

THE
BOOK OF THE GENERAL
LAVVES AND LIBERTYES
CONCERNING THE INHABITANTS OF THE
MASSACHUSETTS, COLLECTED OUT OF THE RECORDS OF
THE GENERAL COURT, FOR THE SEVERAL YEARS
WHEREIN THEY WERE MADE AND
ESTABLISHED.

And
Now Revised by the same Court, and disposed into an
Alphabetical order, and published by the same
Authority in the General Court holden
at Boston, in May
1649.

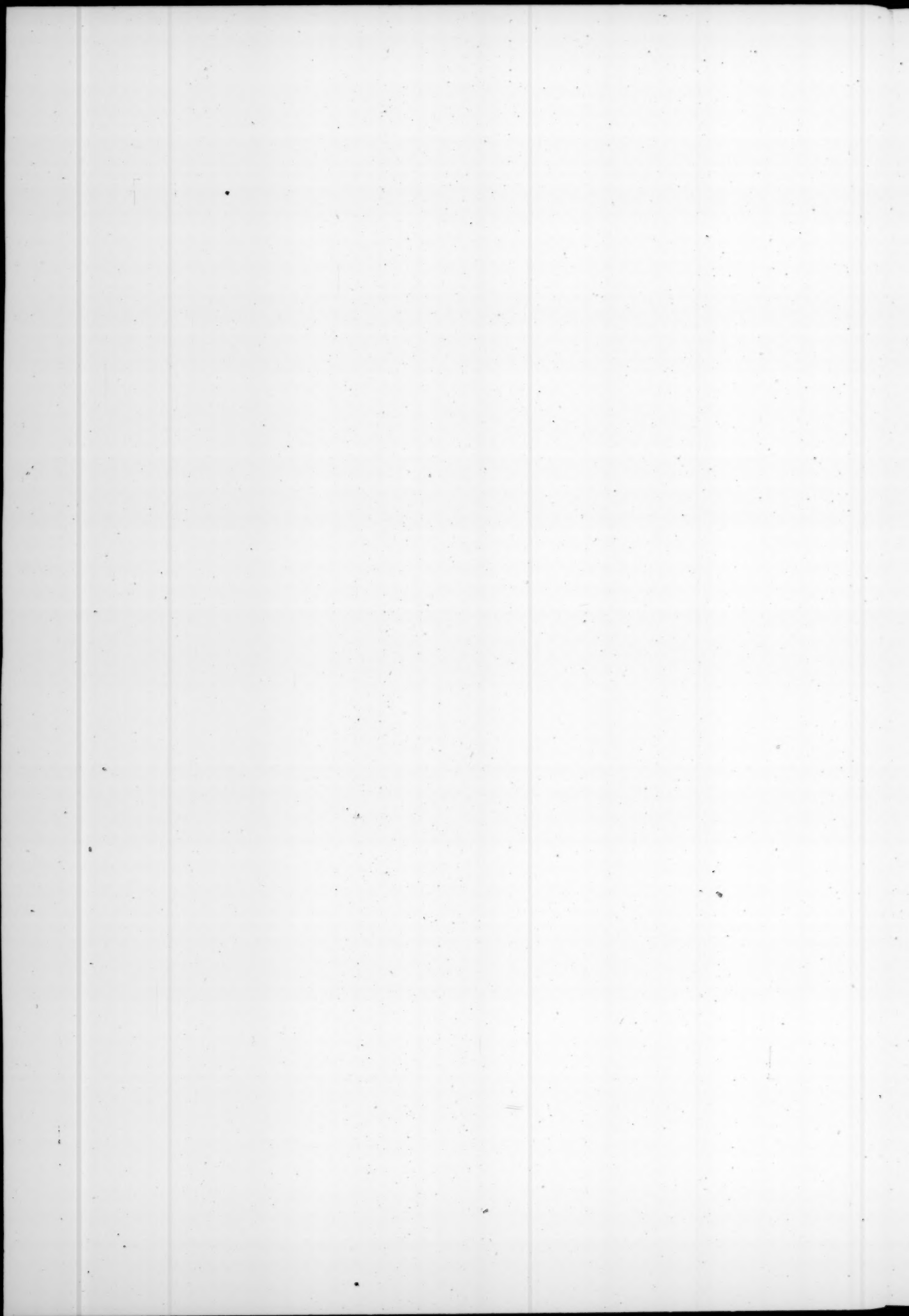
By Edward Rawson. Secretary.

*Whoever therefore resisteth the Power, resisteth the Ordinance of God,
and they that resist, receive to themselves damnation, Rom: 13. 2.*



C A M B R I D G E,
Printed according to Order of the GENERAL COURT.

1660.



195 MASSACHUSETTS. THE BOOK OF THE GENERAL LAWES AND
LIBERTYES. CONCERNING THE INHABITANTS OF THE MASSA-
CHUSETTS, COLLECTED OUT OF THE RECORDS OF THE GENERAL
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Authority in the General Court holden at Boston in May 1649
[by Edward Rawson, Secretary, whose name is written on the
title], half green morocco

sm. folio. CAMBRIDGE [MASS.], printed according to the
Order of the General Court, 1660

* Title: Dedication "To Our Beloved Brethren and Neighbours
The Inhabitants of Massachusetts," signed "Edward Rawson,
Secret"; 1 ll.: A M in fours. THIS IS THE EARLIEST COLLECTION
OF MASSACHUSETTS LAWS, AND IS OF THE UTMOST RARITY.
Livingston could only quote one copy—Simons, sold in 1893.

January 26th, 1917.

209. MASSACHUSETTS. Laws. A. D. S., 1 p. 4to. 1660,
of William Torrey, Clerk of the General Court.

This is the original resolution of the Court providing for
the distribution of the Colony laws when they should be
printed. It states how many shall be given to the different
magistrates, to the Court Deputies, and for the use of the
Court itself. The remainder were to be distributed among
the County treasurers, to such as had paid their proportion
of the expense of printing. Thomas Danforth, afterwards
Governor, was to have "an eye and sight of the impression,"
and was to make an index with all convenient speed.

On same sheet is A. D. S. of Danforth providing for the
payment of the printer in installments as the work progressed,
and that Captain Gookin be made overseer of the work with
agents of the Court. On the back is A. D. S. of Edward
Rawson, Secretary of the Colony, certifying that the treas-
urers of Suffolk, Middlesex and Essex had been appointed as
aids to Capt. Gookin.

A REMARKABLE PAPER.

The last sale of a copy of the Massachusetts Laws, to which
this document relates, was in London in 1891 at £105. It would
bring a much higher price to-day.

THE SECOND COLLECTION OF MASSACHUSETTS LAWS.

195. MASSACHUSETTS. THE BOOK OF THE GENERAL LAWS AND LIBERTIES CONCERNING THE INHABITANTS OF THE MASSACHUSETTS, COLLECTED OUT OF THE RECORDS OF THE GENERAL COURT, FOR THE SEVERAL YEARS WHEREIN THEY WERE MADE AND ESTABLISHED. And now Revised by the same Court and disposed into an Alphabetical Order, and published by the same Authority in the General Court holden at Boston in May 1649. (By Edward Rawson, Secretary) Small folio, half green morocco. Cambridge. Printed according to Order of the General Court. 1660

The Second Collection of the Massachusetts Laws. Of the First Collection 1648, only one Copy is known: The U.D. Church Copy which lacks the Index. Autograph Signature of Secretary Rawson on titlepage. In his Address (which differs entirely from his previous address) "To our Beloved Friend and Neighbours The Inhabitants of the Massachusetts he says "THE BOOKS OF LAWS, OF THE FIRST IMPRESSION, NOT BEING TO BE HAD FOR THE SUPPLY OF THE COUNTRY, PUT US UPON THOUGHTS OF A SECOND, AND CONCEIVING THE CHARGE WOULD NOT BE CONSIDERABLE, IN RESPECT OF THE BENEFIT, IF ALL OUR LAWS WERE (UPON THIS OCCASION) REVISED, COMPOSED AND REDUCED UNTO THE FIRST METHOD WE HAVE THROUGH THE BLESSING OF GOD UPON OUR UNDERTAKINGS, EFFECTED THE SAME".

The Laws occupy pages 1 to 88 Inclusive. The Index in double columns cover 8 pages. The Printers Name nowhere appears but the types appear to be those of Matthew Day. OF SUPERLATIVE RARITY ONLY ONE OTHER KNOWN.

the Deputies. Concur to the Hon^{ble} magist^r in
their last returns, & have nominated 4th Council
Eidusfurors of sufficient middle age & able to join
in the execution of app^{ts} orders with reference to
the content of the 2nd magist^r proto
submitted to the Ratsenherren & will be done as desired

of the Council,
8 June 16

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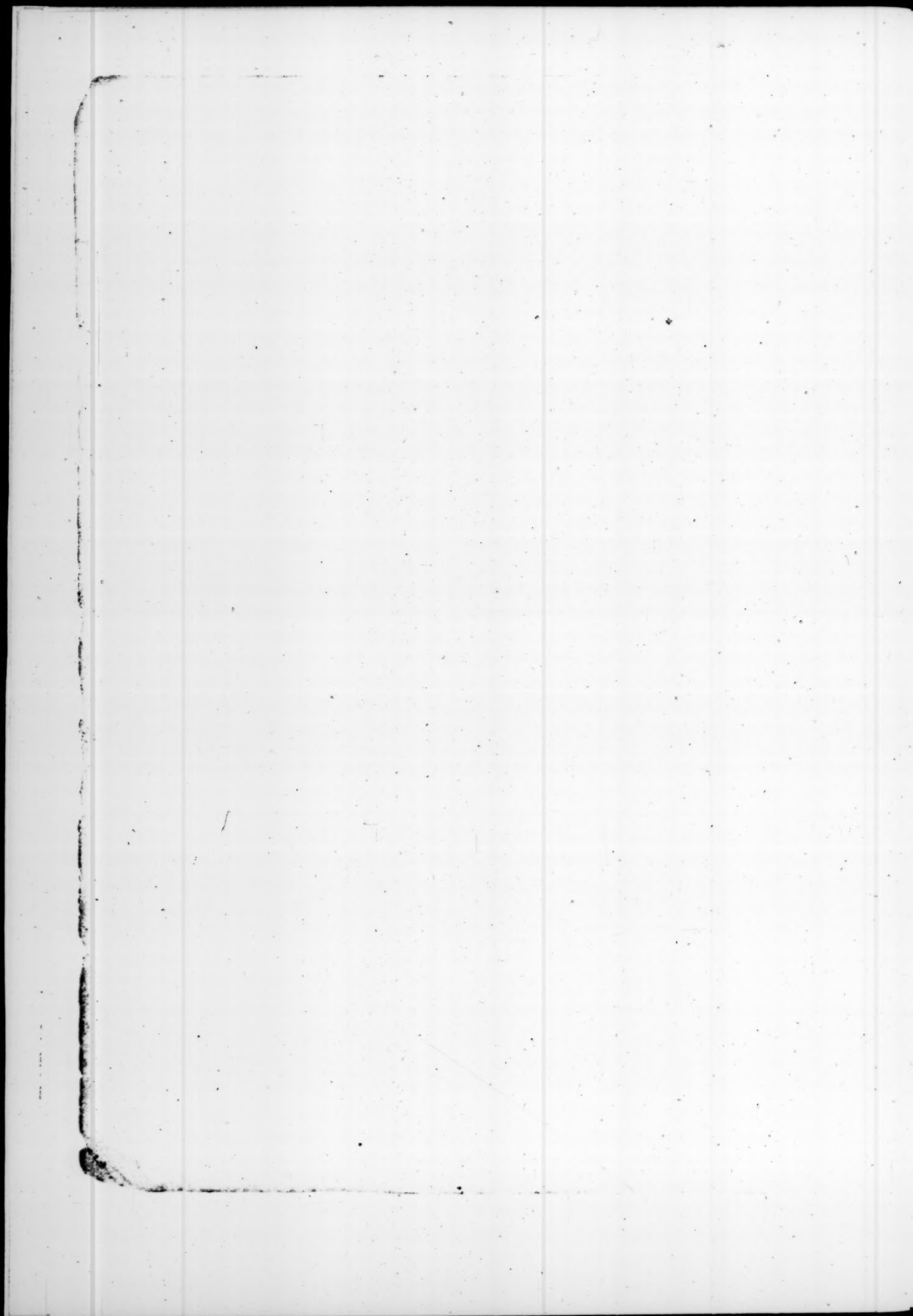
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C A M B R I D G E,
Printed according to Order of the GENERAL COURT.

1660.



TO OUR BELOVED BRETHREN AND NEIGHBOURS

The Inhabitants of the Massachusetts, the Governour, Assistants
and Deputies Assembled in the Generall Court of that
Jurisdiction With Grace and Peace in our Lord
Jesus Christ.

THE Books of Lawes, of the first Impression, not being to be had for the
supply of the Country, put us upon thoughts of a second; and concerning the
Charge would not be considerable, in respect of the benefit, if all our Lawes
were (upon this occasion) Revised, Composed and Reduced unto the first
method, we have through the blessing of God upon our endeavours, effected the same.

The former Epistle tells you there would be need of alterations and additions, and
experience doth witness the same, for while men either through ignorance or enmity, deny
or oppose principles and actions of Righteousness, the preservation of humane Society
will necessitate the enacting of new Lawes, or alteration of old, to fit the remedy to the
disease. So it hath been in former ages, *ex malis moribus bona legis*. There
is the less need of an Apologie for this work, not that we conceive it perfect, since few
alterations are made, such Lawes as have been repealed are left out, and such Lawes
of a general nature, as have been made since the first Impression, till this present, and
are yet in force, are placed under the former heads, in an Alphabetical order, which
method being at first taken up (though perhaps not the most exact) hath this conveni-
ency and ease, that all Lawes referring to such an head, are presented to view at once
whereby the Reader may with more facility comprehend the scope & meaning of the Law.

If any shall complain of incongruous expressions or obscurity in some passages, let
them be sure to be so, before they affirm it; Considering the Supreme Court (which
ought to be benevolent) hath perswaded them, and hath judged meet to publish them as they
stand: Neither would the time or their Honour permit them, as Critics, to call every
word to the Tryall before a Jury of Grammarians. Let it suffice that the meaning is in-
telligible, though the dress be not the most polished; nor is it necessary, seeing *Lex* is
Lex.

They, to whom these Lawes are commended as Rules to which they ought to conform, may
find better exercise for themselves by endeavoring to make them live by executing if
them, which will add a greater lustre to them, then elegance of expression: When Lawes
may be read in mens lives, they appear more beautiful than in the fairest Print, and pro-
mise a longer duration, than engraven in Marble. Weaker fences will secure against
gentle Creatures, though walls of Brasse be insufficient against forcible Invaders. If
breach of order doth argue violence of men, more than weakness of the Law, it will be
every mans prudence to defend the Authority of the Lawes, to avoid the curse of Impu-
nity, and to cover rather then make gaps, whereas the most innocent may enter, and
destroy that provision which was made for their preservation.

Lawes are the peoples Birth-right, and Law makers the Parents of the Country: Un-
durstfull authorities may despise the one and other, but many obligations command reverence
to both. The light of Nature teaches the Heathen to account them Sacrosancto, inviola-
ble: Religion and civil Order should make as deep Impressions in Christians, especially
where Benefit and Damage are constant attendants. By the Hedge their Altar is secured
against the Injuries of men, and whoever breaketh the hedge, a Serpent shall bite him:
They that rush against it, will find the thornes will prick them; they that fly to it for
shelter, may find the leaves to shade them: To such as you, we need no other encouragement
but the authority of the Apostles, 1 Pet. 2. 13. & 17. Submit yourselves to every Or-
dinance of man for the Lords sake: Fear God; Honour the King.

By Order of the Generall Court,

Edward Rawson Secret.

T H E
GENERAL LAWS OF THE MASSACHUSETTS
COLONY, REVISED AND PUBLISHED BY
ORDER OF THE GENERAL COURT
in October 1658.



Orasmuch as the free fruition of such liberties, immunities, privileges as humanity, civility & Christianity, call for as due to every man in his place, & proportion, without impeachment and infringement, hath ever been, and ever will be, the tranquillity & stability of Churches, and Commonwealths, and the denial or deprivation thereof, the disturbance, if not ruine of such.

It is therefore Ordered by this Court & the Authority thereof. That no mans life shall be taken away, no mans honour or good name shall be stained; no mans person shall be arrested, restrained, banished, dismembred, nor any wayes run shed: no man shall be deprived of his wife, or children: no man's goods or estate shall be taken away from him, nor any wayes indamaged, under colour of Law, or countenance of Authority, unless it be by virtue or equity, of some expresse Law of the Country warranting the same, established by a General Court, and sufficiently published; or in Case of the defect of a Law, in any particular Case, by the word of God. And in Capital Cases, or in cases concerning dismembering or banishment, according to that word, to be judged by the General Court. [1641]

Abilty. age.

It is Ordered by this Court & the Authority thereof. That the age for passing away lands, or such kind of hereditaments, or for giving of votes & dictes, or sentences in any civil Courts or cause, shall be one & twenty yeares, but in choosing guardians, fourteen yeares. And all persons of the age of one & twenty yeares, as aforesaid and of understanding & mature, whether excommunicate, condemned, or other, shall have full power & liberty, to make their Wills & Testaments, & other Lawfull Alienations of their lands and estates. [1641. 47]

Actions.

It is Ordered by this Court & the Authority thereof. That all actions of debt, accounts, slander, & actions of the case concerning debts and accounts, shall heretofore be tryed, where the Plaintiff pleaseth, so it be in the jurisdiction of that Court, where the Plaintiff or defendant dwelleth, unless by consent, under both their hands it appeare, they would have the case tryed in any Court. All other actions shall be tryed, with in that jurisdiction, where the cause of the action doth arise.

2 In all actions of trespass where damage shall be pretended, above forty shillings, and yet on the hearing thereof, it shall appeare to the Court to come under that value, in all such cases, the plaintiff shall lose his action, & pay the defendant cost.

3 Every person in pleading any other, in any Court of assizes or County Court, shall pay the summe of ten shillings, before his case be entred; and for every action of above forty shillings value, triable before the Commissioners of Boston; ten shillings, & for all actions under forty shillings, triable before the said Commissioners, one Magistrate, or the three Commissioners for ending small causes, ten groates, unless the Court see cause to admit any to sue in *forma pauperis*. [1642. 52]

4 And where the debt or damage recovered shall amount to ten pounds, in every such case to pay five shillings more, & where it shall amount to twenty pounds or upward, there to pay ten shillings more then the first ten shillings, which said additions, together with the charge of the entry of the action, shall be putt to the judgement and execution. to be leavyed by the Marshall, and accounted to the respective Treasurers to whom it appertaineth. [1647]

5 Whereas the County is put to great charge, by this Courts attending Suitors com-

A

men

Age of discretion.

Liberty to dispose estate

Actions where triable.

L. 2 p. 4.

Actions of trespass under 40s.

Fees for entry of actions

A: 52 p: 7

Addition of fees of action

Actions brought to the General Court to beare the charge of the Court.

Plaintiff liberty to withdraw his action.

L. 1 p. 16: 49.

Vexation suits & pay 3 in damages before 4 s.

Liberty to appeal.

before execution.

In criminal cases to be bound to good behaviour.

Appeals to the General Court.

L. 2 p. 1.

Appellant to give his reasons & dates before.

A: 51 p. 1

Not prosecuting an appeal forfeit 40 s.

A: 43 p. 19.

No judgment from a judge & action of appeal.

A: 54 p. 2

Error may be rectified & reversed by former judgment.

renewed or renewed by petition or review. It is Ordered that in all such cases; if it appear to the Court, that the Plaintiff had no just cause, of any such proceeding, the said Plaintiff shall beare the whole charges of the Court, both for time and expences, which they shall Judge to have been expended by his occasion; and may further impose a fine upon him, as the merit of the cause shall require, but if they find the defendant in fault, they shall impose the just charges upon such defendant.

6 And in all actions brought to any Court, the Plaintiff shall have liberty to withdraw his action or to be non-suited, before the Jury have given in their verdict, in which case, he shall alwayes pay full costs & charges to the defendant, and may afterward renew his suite at another Court. [1641]

7 And it is Ordered, that no man in any suite or action against another, shall falsely pretend great damages or debts, to vex his adversary; & in all cases where it appears to the Court that the Plaintiff hath willingly & wittingly done wrong to the defendant in commencing & prosecuting any action, suite, complaint or indictment, in his own name, or in the name of others, he shall pay treble damages to the party grieved & be fined forty shillings to the common Treasury. [1641. 46.]

Appeal.

It is ordered by this Court & the Authority thereof. That it shall be in liberty of every man cast condemned or sentenced in any inferiour court to make his appeal to the court of Assistants: as also to appeal from the sentence of one magistrate, or other persons deputed to hear & determine in all causes, unto the shire court of each jurisdiction, where the cause was determined. Provided they tender the appeal, & put in security before the Judges of the court, to prosecute it to effect, & also to satisfy all damages, before execution granted; which shall not be till twelve hours after judgment, except by special order of the Court. And if the cause be of a criminal nature; then also to putt in security for the good behaviour & appearance at the same time: and if the point of appeale, be in matter of Law, then to be determined by the Bench, if in matter of fact by the Bench & Jury. And if in the Court of Assistants, two of five, three of seauen, or such a proportion of the Magistrates then present, shall actually dissent from the sentence of the Court in any capital offence, it shall then be in the liberty of the partie sentenced, to appeal to the next Generall Court.

2 It is further Ordered: That all appeales with the security as aforesaid, shall be recorded at the charge of the partie appealing, & certified unto the Court to which they are made. And the partie appealing, shall briefly in writing under his own, or his attorney's hand give in to the Clerke of the Court from which he did appeal, the grounds & reasons of his appeale, six dayes before the beginning of the Court, to which he did appeale to which Court the said Clerke shall return the said writing, & give Copies thereof to the defendant if he desire the same. And whosoever shall appeale from the sentence of any Court, and not prosecute the same to effect, according to Law, shall besides his bond to the partie, forfeit to the country the summe of forty shillings for every such neglect.

3 And for a more cleare & equal hearing & determining all cases of appeale. It is Ordered. That no person, that hath sate as judge, or voted in any inferiour Court, in that case he is appealed from, shall have any vote, in the Superiour Court appealed to, but the case shall be there determined by such, as are no way engaged in the same, by Judging or voting formerly, Provided there be more Magistrates appealed to, then those that sate in the Court appealed from; And in all cases of appeale, the Court appealed to, shall Iudge the case, according to former evidence, & no other, rectifying what is amiss therein, and where matter of fact is found to agree with the former Court, and the judgment according to Law, not to revoake the sentence or judgment, but to abate or increase damages as shall be judged right, any use or custom to the contrary notwithstanding. [1642. 47. 49. 50. 53 54]

Appeal

Appearance. Non-appearance.

IT is Ordered by this Court, and the Authority thereof, That no man shall be punished for not Appearing at or before any Civil Assembly, Court, Council, Magistrate or Officer, nor for the Omission of any Office or service; if he shall be necessarily hindered, by any apparent act or Providence of God, which he could neither foresee nor avoid, Provided that this Law shall not prejudice any person of his just cost & damage in Civil action. [1641]

Apparel.

Although several declarations, and Orders have been made by this Court, against excess in appare^l, both of men & women, which have not taken that effect, as were to be desired, but on the contrary, we cannot but to our grief, take notice, that intollerable excess, & bravery hath crept in upon us, and especially amongst people of mean condition, to the dishonour of God, the scandal of our profession, the consumption of estates, and altogether unsuitable to our poverty. And although we acknowledge it to be a matter of much difficulty, in regard of the blindness of mens minds, and the stubbornness of their wills, to set down exact Rules, to confine all sorts of persons, yet we cannot but account it our duty, to commend unto all sorts of persons, the sober and moderate use of those blessings, which beyond expectation, the Lord hath been pleased, to afford unto us in this wilderness, and also to declare our utter detestation & dislike, that men or women of mean condition, should take upon them the garb of Gentlemen, by wearing gold or silver lace, or buttons, or points at their knees, or to walk in great boots, or women of the same rank, to wear silk or tiffany hoods, or scarves, which though allowable to persons of greater estates, or more liberal education, yet we cannot but judge it intollerable in persons of such like condition. It is therefore

Ordered by this Court and the Authority thereof. That no person within this Jurisdiction, nor any of their relations depending upon them, whose visible estates real & personal, shall not exceed the true & indifferent value of two hundred pounds; shall wear any gold or silver lace, or gold & silver buttons, or any bone lace above two shillings per yard, or silk hoods or scarfs, upon the penalty of ten shillings for every such offence, and every such delinquent, to be presented by the grand jury; and forasmuch as distinct & particular rule, in this case suitable to the estate, or quality of each person, cannot easily be given. It is further Ordered by the Authority aforesaid, that the Select men of every Town, or the major part of them, are hereby enabled and required from time to time, to have regard, and take notice of apparel of any of the Inhabitants, of their several Townes respectively, and whose ever they shall judge to exceed their ranks & abilities in the estates, or fashion of their apparel in any respect, especially in the wearing of Ribbons or great boots, (leather being so scarce a commodity in this Country) lace, points & silk hoods or scarves, the Select men aforesaid shall have power to assess such persons, so offending in any of the particulars above mentioned, in the Country rates, at such number of pounds & shillings according to that proportion that such person is to pay, to whom such apparel is suitable & allowed, Provided this Law shall not extend to the restraint of any Magistrate or publick Officer of this Jurisdiction, their wives and Children, who are left to their discretion in wearing of apparel, or any settled Military Officer or Souldier in the time of Military Service, or any other whose education and employment have been above the ordinary degree, or whose estate have been considerable, though now decayed. [1651]

Arrests.

IT is Ordered by this Court and Authority thereof: That no mans person shall be arrested or imprisoned, for any debt or fine, if the Law can find any competent means of satisfaction, otherwise from his estate (except in special contracts, or in the Law of Payments) And if not, his person may be arrested and imprisoned, where he shall be kept at his own charge, not the plaintiffs, till satisfaction be made, unless

A. 51. p. 5

Excess in
Apparel
prohibited.

None to be
kept in prison
for debt that
have not to
satisfie.

the Court that had cognizance of the cause, or some superiour Court shall otherwise determine; provided nevertheless, that no mans person shall be kept in prison for debt, but when there is an appearance of some estate, which he will not produce, to which end, any Court or Commissioners authorized by the General Court may administer an oath to the partie, or any other suspected to be privy in concealing his estate, but shall satisfy by service; if the creditor require it, but shall not be sold to any but of the English Nation. [1641. 47.]

Attachments. Summons.

L. 2. p. 12

Plaint. liberty to take Summons or Attachments

Term in Plait. to put in security.

Execution respited.

L. 1. p. 49

Circumstantial errors.

Summons to be served 6 dayes before the Court.

A. 51. p. 1

In whose name not to be out process.

It is Ordered by this Court & Authority thereof. That it shall be the liberty of every Plaintiff, to take out either Summons or Attachment, against any defendant. Provided no Attachment shall be granted in any Civil action, to any foreigner, against a settled inhabitant in this Jurisdiction, before he hath given sufficient security or caution, to prosecute his action, & to answer the defendant such costs, as the Court shall award him.

And it is further Ordered that in all Attachments of goods & chattels, or of Lands & hereditaments, legal notice shall be given to the partie, or left in writing at his house, or place of usual abode, otherwise the suite shall not proceed; notwithstanding, it be brought of this Jurisdiction the cause shall then proceed to trial, but judgment shall not be entered, before the next Court. & if the defendant do not then appear; judgment shall be tried, but execution shall not be granted, before the Plaintiff hath given security, to be responsal to the defendant, if he shall reverse the judgment, within one year, or such further time as the Court shall limit.

2 And it is hereby declared, that no summons, pleading, judgment or any kind of proceeding in Courts or course of justice, shall be abated, arrested or reversed, upon any kind of circumstantial errors or mistakes, if the person & cause be rightly understood, & intended by the Court. And in all cases where the first summons, are not served six dayes in cluvely, before the Court & the case, briefly specified in the warrant, where appearance is to be made by the partie summoned, it shall be at his liberty, whether he will appear or not, except all cases, that are to be handled in Court, suddainly called on extraordinary occasions.

3 And whereas since a Law, many times such as doe prosecute the same, in their own name, in procuring the process, inter & doe declare in the name and on the behalf of others, viz. as Executors, Administrators, Assignes, Attorneys, Guardians, Agents or the like. which is not only improper, but tendereth also to uncertainty, for prevention whereof. It is Ordered That hence forth the Original process, whether summons or attachment, shall express in whole name the Plaintiff sueth, whether in his own name, or as executor of the last will & testament of such a man, or Administrator of the goods & chattels of such a man, or Assignee, Attorney Guardian or Agent of such a man, or the like, or otherwise. if exception be taken, before the parties joyned issue, it shall be good, & the Plaintiff shall be liable to pay Costs. [1641. 44. 47. 51.]

Bakers.

It is Ordered by this Court & Authority thereof; That henceforth every Baker shall have a distinct mark for his bread, & keep the true assizes, as hereafter is expressed, viz: when wheat is ordinarily sold at these severall rates hereafter mentioned, the penny white loaf, by averdupois weight, when wheat is by the bushel---

at 3 s. 0 d.	The white 11 oñces. 1 qr.	wheate 17 oñc. 1 qr.	household 23 oñc. 0.
at 3 6	10 1	15 1	20 2.
at 4 0	09 1	14 0	18 2.
at 4 6	08 1	11 3	16 2.
at 5 0	07 3	11 2	15 2.
at 5 6	07 0	10 2	14 0.
at 6 0	06 2	10 0	13 0.
at 6 6	06 0	09 2	12 2.

and

Weight of bread.

And so proportionably, under the penaltie of forfeiting all such bread, as shall not be of the several assizes aforementioned, to the use of the poor of the town, where the offence is committed, & otherwise as is hereafter expressed, & for the better execution of this present order; there shall be in every market town, & all other towns needful one or two able persons annually chosen by each town, who shall be sworn at the next County Court, or by the next Magistrate, unto the faithfull discharge of his or their office; who are hereby authorized, to enter into all house, either with a Constable or without, where they shall suspect, or be informed of any bread baked for sale and also to weigh the said bread as oft as they see cause, & seize all such as they find defective. As also to weigh all butter, made up for sale, & bringing unto or being in the town or market to be sold by weight which if found light, after notice once given, shall be forfeited in like manner. The like penaltie shall be for not marking all bread made for sale. And the sayd officer shall have one third part of all forfeitures for his paines; the rest to the poor as afore said. [1646.]

2 Whereas it appears to this Court, that there is much deceit used by some Bakers, & others, who when the Clarke of the market cometh, to weigh their bread, pretend they have none, but for their own use, & yet afterward put their bread to sale, which upon trial hath been found too light; For prevention of such abuses for time to come. It is ordered That all persons within this Jurisdiction, who shall usually sell bread within doores, or without, shall at all times hereafter, have all their bread, that they either putt to sale or spend in their families, made of the due assizes, marked & yielded to trial of the said Clarke as is directed in the order aforesaid under the penaltie therein express. [1652.]

Ballast.

It is Ordered by this Court & Authority thereof. That no Ballast shall be taken from any town shore, by any person whatsoever, without allowance under the hands of the select men, upon the penaltie of six pence, for every shoel-full so taken, unless such shewes as they had lay there before? It is also Ordered; that no ship, nor other vessel, shall cast out any ballast in the channel, or other place inconvenient, in any harbour within this jurisdiction, upon the penalty of ten pounds. [1646.]

Barratry.

It is Ordered, decreed & by this Court declared; that if any man be proved, and judged a common barrater, vexing others with unjust, frequent & endless suites, it shall be in the power of the Court, both to reject his cause, and to punish him for his Barratry. [1641]

Benevolence.

It is Ordered, that this Court hereafter will graunt no benevolence, except in torraine occasions, and when there is mony in the treasury sufficient, and our debts first satisfied. [1641]

Bills.

It is Ordered by the Authority of this Court; That any debt, or debts due upon bill or other specialty assigned to another, shall be as good a debt & estate to the Assignee, as it was to the assigner, at the time of its assignation; And that it shall be Lawfull for the sayd Assignee, to sue for, & recover the said debt due upon bill, & so assigned, as fully as the original creditor might have done; provided the said assignement be made upon the back-side of the bill or specialty. [1647]

Bondslavery.

It is Ordered by this Court & Authority thereof; That there shall never be any bond slavery villenage or captivity amongst us, unless it be Lawfull captives, taken in just wars, as willingly sell themselves, or are sold to us, and such shall have the liberties, & christian usage, which the Law of God established in Israel, concerning such persons, doth norally require, provided this exempts none from servitude who shall be judged thereto by Authority. [1641]

Clarke of
market

There power

Clarke fees

At sale

To prevent
deceit in
bakersBill shewes
by a man
without lawnor cast into
any channelBills assigned
good & estate
to the assignee

Town bounds
to be set out
within one
year.

To be survey-
ed once in
3 years.

Particular
provisions
to be set out
once a year.

A: 5: p 4

Brewers to
make satis-
faction for
bad beere.

A: 55

Bridges to
be mended
and repaired by
the county.

L: 2: p: 3

Penalty for
damage re-
ceived by
in sufficiency
of Bridges

F Orasmuch as the bounds of townes, and of the lands of particular persons, are care-fully to be maintained, & not without great danger to be removed by any, which notwithstanding by deficiency & decay of marks, may at unawares be done, whereby great jealousies of persons, trouble in townes, & inconvenciences in Courts doe often arise, which by due care & meanes might be prevented. It is therefore Ordered by this Court & Authority thereof; That every towne shall sett out their bounds, with- in twelve months after their bounds are graunted. And that when their bounds are once sett out; once in three yeares three or more persons of a towne, appointed by the Select men, shall appoint with the adjacent townes, to goe the bounds, betwixt their said townes, & renew their marks; which marks shall be a great heape of stone, or a heape of six foot long & two-foot broad, the most ancient towne to give notice, of the time & place of meeting for this perambulation; Which time shall be in the first or second month, upon paine of five pound for every towne that shall neglect the same; provided that the three men appointed for perambulation shall goe in their severall quarters, by order of the select men, and at the charge of the severall townes.

2 And it is further Ordered, that if any particular proprietor of lands lying in common with others, shall refuse to goe the bounds, betwixt his land and other mens, once a year in the first or second month, being requested thereunto, upon one weeks warning, he shall forfeit for every day so neglecting, ten shillings, half to the partie moving thereto the other halfe to the towne. [1641]

Brewers.

TO the end, no other, but good & wholsom beere be brewed at any time, in this jurisdiction, to be sold for the supply of ship or other vessels at sea: and that no oppression or wrong be done to any in this mistery. It is Ordered by this Court & Authority thereof, That no person whatsoever, shall henceforth undertake the calling or worke of brewing beere for sale, but onely such as are known, to have sufficient skill and knowledge in the art or mystery of a brewer. And it is further Ordered that if any undertaker for victualling of ships, or other vessels, or Master or owner of any such vessel, or any other person, shall make it appeare, that any beere bought of any person, within this jurisdiction, doe prove unfitt, unwholsome & unkeel for their supply, either through the insufficiency of the malt, or brewing, or unwholsome cask, the person wronged thereby, shall be, & is hereby enabled, to recover equal & sufficient damage, by action, against the person that putt that beere to sale.

Bridges.

THis Court considering that Bridges, in Country highways are for the benefit of the Country in general, & that it may be unequal, to lay the charge thereof, on particular Townes? Doth order, that from time to time, upon information or complaint to each County Court, of the necessity or defect of any bridge or bridges as aforesaid, the Court shall appoint a Committee to view & determine the same, and the charge shall be proportioned by the Magistrates in each County Court, to be levayed upon the severall townes in each County according to the direction of the Law for County rates.

2 The Court considering the great danger that persons, horses, teames, are exposed to by reason of defective bridges, & Country highways in this jurisdiction. Doth Order & declare: That if any person, at any time loose his life, in passing any such bridge or high-way, after due warning given unto of any of the Select men of the towne in which such defect is, in writing under the hand of two witnesses or upon presentment to the Sheriff, out, of such defective wayes or bridges, that then the County or towne which ought to secure such wayes or bridges, shall pay a fine of one hundred pounds, to the parents, husband, wife or children or next of kin, to the partie deceased. And if any person loose a Limb, breake a bone or receive any other bruise or breach in any part of his body, through such defect as aforesaid

aforesaid. The County or towne, through whose neglect such hurt is done shall pay to the partie so hurt, double damages, the like satisfaction shall be made for any teame, Cart or Carriage, horse, other beast or loadinge, proportionable to the damage sustained as aforesaid.

3 And for the prevention of danger, which may come by the insufficiency of bridges and passages, which lye upon town highwayes, the care whereof doth belong either to the towne or particular persons to repaire, who many times cannot procure workmen to doe the same? It is therefore Ordered by this Court. That upon the complaint of any such town or person, to any one Magistrate, he shall hereby be empowered, to issue out warrants to the Constable, to implead such workmen in their town-ship, as shall be needfull to secure and repair the same, who shall be paid for their work, either by the Town or Persons, to whom such Bridges or passages do belong. [1648. 51. 59]

Burglary and Theft.

FOrasmuch as many persons, of late yeares have been & are apt to be injurious to the goods & lives of others, notwithstanding all care and meanes to prevent and punish the same. It is therefore Ordered by this Court and Authority thereof, that if any person shall commit Burglary: by breaking up any dwelling house, or shall rob any person in the field or highwayes, such person so offending, shall for the first offence, be branded on the forehead, with the letter (B) And if he shall offend in the same kind, the second time, he shall be branded as before & also be severely whipped; and if he shall fall into the like offence, the third time, he shall be put to death as being incorrigible. And if any person shall commit such burglary or rob in the fields or houses on the Lords day; besides the former punishment of branding, he shall for the first offence, have one of his eares cut off. And for the second offence in the same kind, he shall lose his other eare in the same manner. And for the third offence he shall be put to death. [1642. 47]

2. For the prevention of pilfering & theft. It is ordered by this Court & the authority thereof. That if any person be taken or known to rob any orchard or garden; that shall hurt or steal away any grafts, or fruit-trees, fruites, livers, wcelles, or any other goods left out in orchards, gardens, back-sides, or in any other place in house or fields or shall steal any wood or other goods from the water-side, from ners doores or yards: he shall forfeit treble damage, to the owners thereof.

And if they be children, or servants, that shall trespass therein, if their parents or masters will not pay the penalty before express, they shall be openly whipped. And for so much as many times it so falls out that small thefts & other offences of a small nature are committed both by English & Indian servants remote from any person or other place to which such malefactors may be committed in the next court. It is therefore Ordered that any magistrate, upon Complaint made to him may hear, and upon due proof determine, any such small offences of the aforesaid nature according to the laws here established & give warrant to the constable of that town, where the offender lives, to levy the same: provided the damage or fine exceed not forty shillings: provided also it shall be lawful for either partie to appeal to the next court to be holden in that Jurisdiction, giving sufficient caution to prosecute the same to effect, at the said court.

And every Magistrate shall make a return yearly to the County Court where he lieth, of what cases bee hath so ended.

And also the Constables of all such fines as they have received. And where the offender hath nothing to satisfy, such magistrate may punish by stocks or whipping, as the cause shall deserve, not exceeding ten stripes; It is also ordered that all servants and workmen in bezling the goods of their masters, or such as set them on work, shall make restitution, & be lyable to all laws & penalties as other men. [1646]

3. It is further ordered by this Court. That what person shall steal from any person, any Coyn, goods or chattels, to the value of ten shillings, or up

A. 58.

Power to
put to work
in the repair
of Bridges.Robbing in
house high-
ways &c.

53 London y

Rob on Lord
or garden or
steal goods.pay 3 ble
damage.

or be whipt

One Magist-
rate may de-
termine such
cases.Magistrate &
Constable to
return to the
county court.Servants and
workmen.A. 52. p.
10.

Stealing above 10s

Constable to give search for goods stolen.

Concealing of theft and receiving satisfaction privately.

Idolatry.

Witchcraft.

Blasphemy.

Murder.

Poysoning.

Bestiality.

Sodomie.

Adulterie.

Man stealing.

False witness.

Conspiracy.

wards, shall be whipt, or pay such a summe or summes of money, as the Court or Magistrate, that hath proper Cognizance thereof, shall adjudge to be sufficient to satisfy all costs and charges of the Court and Country, in prosecuting & trying the sayd offender; to the use of the common treasury, and for smaller thefts, it is left to the discretion of the judge or judges that shall have cognizance of the crime, to appoint smaller penalties or punishments, or onely legal admonition as they shall find cause. And further it is declared & Ordered, that when any goods are stolen from any person, the constable of the town, by warrant from Authority, shall search for the same, in any suspected places or houses, & upon search or otherwise, if he shall find the same or any part thereof, or any ground of suspicion, appearing to the Officer, he shall bring the delinquent or suspected party to a Magistrate to be proceeded with according to the Law. And if any person having goods stolen from him, shall privately receive his sayd stolen goods (except the fact be private, or committed by some member of his own family) & so in other the theft: and shall not legally prosecute the offender, he shall forfeit to the common treasury, the goods or chattels received, or the true value thereof. [1652]

CAPITAL LAWS.



If any man after legal conviction shall HAVE OR WORSHIP any other God, but the LORD GOD he shall be put to death. *Exod. 22.20. Levit. 13.6 & 10. Dent. 17.2.6.*

2 If any man or woman be a WITCH, that is, hath or consueteth with a familiar Spirit they shall be put to death. *Exod. 22.18. Levit. 20.27. Dent. 18.10, 11.*

3 If any person within this Jurisdiction, whether Christian or Pagan, shall willingly & willingly presume to BLASPHEME the Holy name of God, FATHER, SON, or HOLY GHOST, with direct, expresse, preunptions, or high-landed blasphemy, either by wilfull or obstinate denying the true God, or his Creation, or Governour of the world; or shall curse God in like manner, or reproach the Holy Religion of God, as if it were but a politick device, to keep ignorant men in awe; or shall utter any other kind of Blasphemy, of the like nature and degree, they shall be put to death. *Levit. 24.15, 16.*

4 If any person shall commit any wilfull MURTHUR upon premeditated malice, hatred or cruelty, not in a mans necessary and just defence, nor by mere casualty against his will, he shall be put to death. *Exod. 21.12, 13. Numt. 35.31.*

5 If any person slayeth another suddenly, in his ANGER or CRUELTY of passion, he shall be put to death. *Levit. 24.17. Numt. 35.20, 21.*

6 If any person shall slay another through guile, either by POYSONING, or other such diabolish practise, he shall be put to death. *Exod. 21.14.*

7 If any man or woman shall LYE WITH ANY BEAST, or brut creature, by carnal copulation, they shall surely be put to death, and the beast shall be slain and buried, and not eaten. *Levit. 20.15, 16.*

8 If any man LYETH WITH MAN-KINDE as he lieth with a woman, both of them have committed abomination, they both shall surely be put to death, unless the one partie were forced, or be under fourteen yeares of age in which case he shall be severely punished. *Levit. 20.13.*

9 If any person commit ADULTERY with a married or espoused wife, the Adulterer and Adulteresse shall surely be put to death. *Levit. 20.19. & 18.20. Dent. 22.23, 27.*

10 If any man STEALETH A MAN or mankind, he shall surely be put to death. *Exodus. 21.16.*

11 If any man rise up by FALSE-WITNES willingly, & of purpose, to take away any mans life, he shall be put to death. *Dent. 19.16. 18.16.*

12 If any man CONSPIRE, and attempt any INVASION, INSURRECTION, or publick Rebellion against our Common-Wealth: or shall endeavour to surprize

surprise any Town, or Townes, Fort, or Forts therein; or shall treacherously, and perfidiously attempt the Alteration & subversion of our frame of Politie, or Government fundamentally, he shall be put to death, *Numb: 16. 2 Sam: 3. 2 Sam: 18. 2 Sam: 20.*

13. If any Child, or Children, above sixteen years old, and of sufficient understanding, shall CURSE, or SMITE their natural FATHER, or MOTHER, he or they shall be put to death, unless it can be sufficiently testified, that the Parents have been very unchristianly negligent in the education of such Children: or so provoked them by extrem & cruel correction, that they have been forced thereunto, to preserve themselves from death or maiming: *Exod 21 17, Lev 20, 9, Exod 21 15.*

14. If a man have a STUBBORNE or REBELLIOUS SON, of sufficient yeares and understanding (viz.) sixteen yeares of age, which will not obey the voice of his Father, or the voice of his Mother, and that when they have chastised him, will not hearken unto them, then shall his Father and Mother, being his natural Parents lay hold on him, and bring him to the Magistrates assembled in Court, and testifie unto them, that their Son is stubborn and rebellious, and will not obey their voyce and chastisement, but lives in sundry notorious crimes: Such a Son shall be put to death. *Deut: 22. 20, 21.*

15. If any man shall RAVISH any maid, or single woman, committing carnal copulation with her by force, against her own will; that is above the age of ten yeares, he shall be punished either with death, or with some other grievous punishment, according to circumstances, as the Judges, or General Court shall determine [1649]

16. If any person shall be indicted for any CAPITAL CRIME, (who is not then in durance) and shall refuse to render his person, to some Magistrate within one month, after three proclamations publicly made, in the Town where he usually abides, there being a month between proclamation and proclamation: his lands and goods shall be seized, to the use of the Common Treasury, till he make his lawfull appearance. And such withdrawing of himself, shall stand in stead of one witness to prove his crime, unless he can make it appear to the Court that he was necessarily hindered. [1646]

Cask & Cooper. Gager. Packer.

IT is Ordered by this Court, and Authority thereof. That all Cask used for any liquer, fish, beef, pork, or other commodities to be put to sale, shall be of London & assize, and of sound & well seasoned timber. And that fixtens shall be appointed from time to time, in all places needfull, to gage all such vessels or cask and such as shall be found of due assize, shall be marked with the Gagers mark, who shall have for his paires, *four-pence per tun.* And every Cooper shall have a distinct *trade-mark* on his own Cask, upon the penalty of forfeiture of *twenty shillings.* And whosoever shall put to sale, any new cask, being defective, either in workmanship, timber, or assize as aforesaid, upon due proof made before any one Magistrate, he shall forfeit such cask to the informer, and be fined to the use of the Country, *ten-shillings per tun,* and so proportionably for greater or lesser cask. And because there may be no regard in the choise of a Gager or Packer, It is Ordered, that every Town within this Jurisdiction, wherein any cask are made, shall yearly make choise of a fit man for that employment, who being presented by the Constable within one month after the choise made, before any one Magistrate, shall there take his Oath belonging to his place, which if he shall refuse, he shall pay the sum of *forty-shillings,* and another shall be chosen in his room. Also the Town or Constable shall either of them, suffer the like penalty for their neglect of this order. And every Gager or Packer, shall see that all cask be packed, beef, pork, mackeril, fish or other goods in committed to his care, be of true & full assize, & that he packs the same, in no other cask whatsoever, on penalty of *ten shillings* for every cask by him

Rebellion.

Child's crime
or fault per-
sons.Rebellious
Son.

Rape.

Non-appear-
ance of a Ca-
pital crime.Cask their af-
fize & quality

Gagers fee.

Coopers
mark.

A. 51. p. 2

Defective
cask forfeitChoise of
Gager and
Packer.

A. 52. p. 17

Packer must
pack no good
but in cask
of full assize.

him packed, that is or shall be defective in that respect, one half to the informer, and the other half to the Country.

2. *And for the preventing access of any person in the packing of fish, beef, and porke to be put to sale, in this & other jurisdictions.* It is Ordered, That in every Town, where any such goods are packed up for sale, the Gager or Packer of that Town, or of the Town wherein it is put to sale or shipped, shall see that it be well and orderly performed: that is to say: beef and porke, the whole, halfe or quarter, & so proportionably that the best be not left out, and for fish, that they be packed all of one kind, and that all Casks so packed be full and sound and well seasoned testing his seal on all cask so packed: and he shall receive of the owners for so packing & sealing four shillings per tun, but if the Gager do onely view them, and finde them good & sufficient, he shall set his seal upon them, and have one shilling per tun for so doing, and if such goods so packed, shall be put to sale without the Gagers mark he shall forfeit the said goods, that so putts them to sale, the one halfe to the Informer the other halfe to the countrey. [1641: 47, 51, 52.]

Cattle. Corn-fields. Fences.

It is Ordered by this Court and the Authority thereof. That, in all Corn-fields, which are inclosed in common: every party interested therein, shall from time to time make good his part of the fence, and shall not put in any cattle, so long as any corn shall be upon any part of it, upon payn to answer all the damage that shall come thereby. [1647]

2. *When as it is found by experience, that there hath been much trouble & difference in several Townes, about the fencing, planting, sowing, seeding & ordering of common fields.* It is therefore Ordered by this Court, and Authority thereof: That where the occupiers of the land, or the greatest part thereof, cannot agree about the fencing or improvement of such their said fields, that then the Selectmen, in the several Towns shall order the same, or in case where no such are, then the major part of the freemen (with what convenient speed they may) shall determine any such difference as may arise upon any information, given them by the said occupiers, excepting, such Occupiers land shall be sufficiently fenced in by it self, which any Occupier of land may Lawfully do. [1643: 47]

3 *Whereas this Court hath long since provided, that all men shall fence their Corn meadow ground and such like, against great cattle, to the use and misuse of cattle especially of Cows, & their breed should not be hindered; there being then but few horses in the Country, which since are much increased, many whereof run in a sort wild, doing much damage in corn & other things, notwithstanding fence made according to the true intent of the Order, in that case specified, many whereof are unknown, most so much that they can by no means be caught, or get into custody, whereby their owners might answer damages, and if sometimes with much difficulty and charge they be, they are in danger of perishing, before the owner appears, or can be found out, all which to prevent.* It is therefore Ordered by this Court and the Authority thereof. That every Town & peculiar in this Jurisdiction, shall henceforth give some distinct Brand-mark, appointed by this Court (a copy of which marks, each Clerk of the writs in every Town, shall keep a Record) upon the houn, or left houn or shoulder of all their cattle, which feed in open Common, without constant keepers, whereby it may be known, to what Town they do belong.

And if any trespass, not so marked, they shall pay double damages: neither shall any person knowing, or after due notice given, of any beast of his, to be unruly in respect of fences, suffer such beasts to go common, or against Corn-fields, or other in propriate inclosed grounds, fenced as aforesaid without such shackles or letters, as may restrain and prevent trespass therein, by them from time to time. And if any horse or other beast, trespass in any Corn or other inclosure, be reported in which it aspires against Cows, oxen & such like orderly cattle: the parties or parties trespassing, shall procure two sufficient inhabitants of that town, of good repute & credit, to view and certify the fact, or which the owner of the beast shall in time, when known, upon reasonable demand, whether the beast were impounded or not.

To prevent
decaying
packing and
porke &c.

Packers fees
with payment.

Cask not
marked for
sale.

Cowboys ke
goodly fee

No cattle to
be put in till
corn be cut.

Occupiers of
land may order
inclosure of
fields.

Liberty to
feed in
several.

Every town
shall have a
distinct mark
for cattle.

Cattle not
marked trespassing
pay double
damages.

Unruly cattle
to go in
fences.

Horses to be
restrained by
shackles &c.

But if the owner be known, and near residing, as in the same Town or the like, he shall forthwith have notice of the trespass, and damage charged upon him, that if he approve not thereof he may nominate one such man, who with one other chosen by the partie damaged as aforesaid, shall review & adjudg the harmes; Provided they agree of damage within one day after due notice given, & that no after harms intervene to hinder it, which being forthwith discharged, together with the charge of the notice, forer view, & determination of damage, the first judgment to be void, or else to stand good in Law. Provided notwithstanding the party trespasser shall not be barred of his action, albeit the harms be not viewed & judged according to the direction aforesaid. And if any cattle be found damage fasant, the party damaged may in pound, or keep them in his own private close or yard, till he may give notice to the owner, and if they cannot agree, the owner may replevie them, or the other partie may return them to the owner, & take his remedy according to Law, yet in case of involuntary trespasses, where such trespasser shall pay, or legally tender full recompence for all the damage done by him, before any suite commenced, the Plaintiff shall recover no cost of his suite. And in all trespasses or damages done, to any man, if it can be proved to be done by the meer default of him, to whom the damage is done it shall be judged no trespass, nor any damage given for it. [1646]

4 For all harms done by goates there shall be double damages allowed, and when any goates are taken in Corne or gardens, the owner of such Corn or garden, may keep & use the sayd goates till full satisfaction be made by the owners. 1646

5 Forasmuch as Complainants have been vexed, of a very evil practice, of some disorderd persons in the Countrey, who use to take other mens horses, sometimes upon the Commons and sometimes out of their owne grounds & inclosures, and ride them at their pleasure without any leave or privacy of the owners? It is therefore Ordered and enacted by the Authority of this Court. That whosoever shall take any other mans horse, mare, asse, or drawing beast, either out of his inclosure, or upon any Common or elsewhere, (except such be taken damage fasant & disposed of according to Law) without leave of the owner and shall ride or use the same, he shall pay to the party wronged treble damages, or if the Complainant shall desire it, then to pay onely ten shillings, & such as have not to make satisfaction, shall be punished by whipping in prison, or otherwise as by Law shall be adjudged, and any one Magistrate or County Court may heare and determine the same. [1647]

6 For the better preserving of Corne from damage, by all kind of Cattle, and that all fences of Corn-fields, may from time to time, be sufficiently upheld & maintained. It is Ordered by this Court, that the Select men of all Townes, shall make wholsom orders, for the repairing of all fences both general & particular, within their severall Townships, excepting fences belonging to farms of one hundred acres or above, and have power to impose fines upon all delinquents not exceeding twenty shillings for one offence, and if any Select men shall neglect to make orders as aforesaid, they shall forfeit five pounds to the use of the Town, & so for every month default from time to time; And the said Select men of every Town shall appoint, from yeare to yeare, two or more (if need require) of the inhabitants thereof to view the common fences, of all their corn-fields, to the end, to take due notice of the real defects & insufficiency thereof, who shall forthwith acquaint the owners thereof with the same; and if the sayd owners, doe not within six dayes time, or otherwise as the Select men shall appoint, sufficiently repair their sayd defective fences: then the sayd two or more inhabitants appointed as aforesaid, shall forthwith repair or re-view them, and shall have double recompence for all their labour, care, cost & trouble, to be paid by the owners of the sayd insufficient fence or fences, & shall have warrant from the sayd Select men, directed to the Constable to levy the same either upon the Corne or other estate of the delinquent. Provided the defect of the fence or fences be sufficiently proved by two or three witnesses. [1647]

Notice to be given to the owner of the beast.

L:2: p:8.

L:2: p:8.

Involuntary trespass pay no cost.

L:1 p:51:

Goates pay double damage

Riding or working other mens horse, or Cattle without leave.

Penalty for double damage or whip.

A:53 p:20

Select men to order & repair of fences.

to appoint viewers of common fences

To give notice of defect to owners.

Owners to repair in 6 dayes.

Else viewers to mend them & have double recompence.

Partis fence
between
neighbours
only by both

House Lots
Fences.

Insufficient
fence no li-
ability except
by Swine &
Cattle.

One Magis-
trate may end
causes under
40 ls.

3 Commis-
sioners in towns
to end small
causes.

L:1: p:46

Associates &
Commissioners
to be sworn.

Select men to
try causes.

7 Where lands lye in Common unfenced, if one man shall improve his land, by fencing in several, & another shall not, he who shall so improve, shall secure his Land against other mens cattle, and shall not compel such as joyn upon him, to make any fence with him, except he shall also improve in several as the other doth. And where one man shall improve before his neighbour, & so make the whole fence, if after his sayd neighbour shall improve also, he shall then satisfy for half the others fence against him, according to the present value & shall maintain the same: and if the first man shall after lay open his sayd feild, then the sayd neighbour shall enjoy his sayd half fence so purchased to his owne use, and shall also have liberty to buy the other half fence, paying according to present valuation, to be sett by two men chosen by either party one: the like order shall be where any man shall improve land against any Town Common. Provided this order shall not extend to house lots, not exceeding ten acres, but if in such, one shall improve, his neighbour shall be compellable to make and maintaine one half of the fence between them, whether he improve or not. Provided also no man shall be liable to satisfy for damage done in any ground not sufficiently fenced, except it shall be for damage done by Swine or Cattle under a year old, or unruly cattle which will not be restrained by ordinary fences, or where any man shall put his cattle, or otherwise voluntarily trespass upon his neighbours ground, and if the party damaged find the cattle damage faultless he may impound or otherwise dispose of them. [1642]

Causes small Causes.

FOR easing the charge and incumbrance of Courts by small Causes: It is Ordered by this Court and Authority thereof. That any Magistrate, in the Town where he dwells, may hear and determine by his discretion (not by Jury) according to the Laws here established, all causes arising in that County, wherein the debt trespass, or damage doth not exceed forty shillings who may lend for parties & witnesses, by summons or attachment directed to the Marshal or Constable who shall faithfully execute the same, & it is further ordered that in such towns where no Magistrate dwells, the Court of assistants or County Court may from time to time upon request of the said towns, signified under the hand of the Constable, appoint three of the Freemen, as Commissioners in such cases, any two whereof, shall have like power to hear & determine all such causes, wherein either partie is an inhabitant of that Towne who have hereby power to lend for parties & witnesses, by summons or Attachment directed to the Constable, as also to administer oaths to witnesses, and to give time to the defendant to answer if they see cause, & if the partie summoned refuse to give his bond for appearance, or sentenced, refuse to give satisfaction where no goods appeare in the same Town, where the partie dwells, they may charge the Constable with the partie to carry him before a Magistrate, or Shire Court (if then sitting) to be further proceeded with according to Law, but the sayd Commissioners may not commit to prison in any case. And where the parties live in several Townes, the defendant shall be liable to be sued in either Town at the libertie of the plaintiff.

2 And forasmuch as the Magistrates are under an Oath of God for dispensing equal justice according to Law. It is Ordered by the Authority aforesayd. That all Associates for County courts when & where there shall be any, & all such Commissioners authorized as aforesayd shall be sworn before each County Court. or some Magistrate in that County, unto the faithfull discharge of the trust and power committed to them. And it is further Ordered. That in all small causes as aforesayd, where onely one Magistrate dwells in the Town, & the cause concerns himself, as also in such Towns where no Magistrate is, and the cause concerns any of the three Commissioners, that in such cases, the Select men of the Town, shall have power to hear & determine the same, and also to graunt execution for the levying, and gathering up such damages, for the use of the person damaged, as one Magistrate or

or the three Commissioners may do. And no debt or action proper to the Cognizance of one Magistrate or the three Commissioners as aforesaid, shall be received into any County Court, but by appeal from the Magistrate or Commissioners, except in cases of defamation and battery. [1647. 49]

3 Whereas by reason of the Concourse of people, and increase of trade in the Towne of Boston, suits at Law are growne more frequent, whereby the County Courts are much prolonged, and for as much as many crimes are also committed in the sayd town, by strangers and others, which often escape unpunished. For the prevention whereof it is Ordered by this Court, & the Authoritie thereof. That there be seven freemen resident in Boston, annually chosen by the freemen of the sayd Town, & presented to the Court of Assistants, who hereby have power to authorize the sayd seven freemen to be Commissioners of the sayd Town, to act in things committed to their trust, as is hereafter expressed, who shall from time to time be sworn before the said Court, or the Governour.

And this Court doth hereby give & graunt Commission and Authority unto the said seven men, or any five of them, or any three of them with one Magistrate, to hear and determine all Civil actions, which shall be brought before them, not exceeding the summe of ten pounds, arising within the neck of land on which the Town is Situate, as also on Noddles Island, or betwixt any persons where both parties shall be Inhabitants or residents within the said neck or Noddles Island aforesaid or where either partie shall bee an Inhabitant or resident as aforesaid, Provided they keep a book of Records for the entry of all causes, evidences, testimonies, sentences & Iudgments as the Law provides in like cases: which said Commissioners are Authorized, usually to appoint a Clerk of their Court & to demand & receive of every plaintiff in all cases or actions not exceeding forty shillings, the summe of three shillings four-pence, and for all other actions the summe of ten shillings, and for all other things the accustomed fees; And the said Commissioners shall from time to time publish their Court-dayes, as the three Commissioners in Towns are bound to do: And for the discovery, pre-

vention and punishment of misdemeanours in the Town of Boston, Power & Authority is hereby given and graunted to the said Commissioners, and every of them, by warrant under their or his hand, to Convent before them, or any of them, all such persons as shall be complained of, for such offences, or otherwise brought to their cognizance, and to hear and determine the same, according to the Lawes here established as any Magistrate may do, Provided the fines imposed by them, do not exceed forty shillings for one offence.

And that the said Commissioners may the better and more diligently endeavor, the suppressing of Sin, & misdemeanours and the breach of the peace in the said Town; Their Commission shall be from time to time, under the hand of the Secretary of the General Court. And also all Marshalls, Constables, and other Inhabitants respectively, are required to be ayding and assisting our Commissioners aforesaid, in this behalf. And that no person may be discomaged or diminished by this Commission; It shall be lawfull for any person to appeal from the sentence of all or any of them, to the Court of Assistants. [1651]

4 And because the Commissioners in the severall Townes have power of Judicature, the exercise whereof is of great concernment, both to townes & country, It is therefore Ordered, That henceforth there shall be none admitted to be a Commissioner for any town in this Jurisdiction but such whose Conversation are inoffensive, & whose fidelity to the Country is sufficiently known & approved of by the County Court of that shire. [1654]

Charges Publicke

It is Ordered by this Court, and the Authority thereof, That no Governour, Deputy Governour, Assistant, Associate, Grand or petty Jurymen, at any court

L. p. 4.

Court. Court
to reject all
Act or under
40 lb.

A. 51. p. 6

Com'rs of
Boston.

Chosen.

Sworn.

Power in Ci-
vil Cases to
ten pound.In Criminal
cases.Officers re-
quired to as-
sist the Com-
missioners.

A. 4. p. 2

None to be
Commissioner
but such as
are approved

None to be
employed in
publick ser-
vice at their
own charge.

Every inhab:
to pay to all
charges in
Church and
Comm. weal.

Land & es-
tates to pay
where they
ly.

Country rate

Treasurers
warrant to
Constable.

Persons & es-
tates to be
valued in
sixth month.

Persons at 1 s
8 d per head

Estates at 1 d
per pound.

A. 51. p. 1

Merchants
rated by will
and doom.

A. 57. p. 23

Rate of house
& lands.

Rates of
Cattle.

nor any Deputy for the General Court. nor any commissioner for Military discipline at the time of their publick meeting shall at any time beate his own Charges, but their necessary expences, shall be defrayed either by the Towne, or the Shire on whose service they are, or by the country in General. [1631. 41.]

2 *The Court considering the necessity of an equal contribution to all common charges in Townes,* Doth Order, That every Inhabitant, shall contribute to all charges, both in Church and Common wealth whereof he doth or may receive benefit: And every such Inhabitant, who shall not contribute, proportionably to his ability, to all common charges, both Civil and Ecclesiastical, shall be compelled thereunto, by Assessment and distress; to be levied by the Constable, or other Officer of the Towne; and the lands and estates of all men (wherein they dwell) shall be Rated for all Town Charges, both civil & Ecclesiastical (as aforesaid) wch the lands & estates shall lie, and their persons where they dwell.

3 *For a more equal & ready way, of raising means for defraying the publick charges, and for preventing such inconveniences, as have fallen out upon former assessments.* It is Ordered & enacted by the Authority of this Court. That the Treasurer for the time being shall from yeare to yeare in the fifth month, without expecting any other order, send his warrants to the Constable, & Select men of every Town within this Jurisdiction, requiring the Constable to call together the Inhabitants of the Towne, who being so assembled, shall choose some one of their freemen, to be a Commissioner for the Towne, who together with the Select men, for their prudentiall affaires, shall some time in the sixth month, then next ensuing, make a List of all the male persons in the same Towne, from sixteen yeares old & upwards, and a true estimation of all personal & real estates, being or reputed to be the estate of all & every the persons in the same Town, or otherwise under their custody or managing according to just valuation, and to what persons the same do belong, whether in their owne Town or elsewhere, sooner as they can by all lawfull means, which they may use, viz, of houses, lands of all sorts as well broken up as other (except such as doth or shall lie common for free feed of cattle, to the use of the inhabitants in general, whether belonging to Townes or particular persons, but not to be kept or bearded upon it, to the damage of the proprietors,) mills, ships & all small vessels, merchantable goods, cranes, wharfs, and all sorts of cattle; and all other known estate whatsoever, either at sea or on shore, all which persons & estates are by the said Commissioners and Select men to be assessed, and rated as here followeth; viz every person aforesayd (except Magistrates & Elders of Churches) one shilling & eight pence by the head, & all estates, both real & personal, at one penny for every twenty shillings, according to the rates of cattle, hereafter mentioned. The estates of all merchants, shopkeepers and factors, shall be assessed by the Rule of common estimation, according to the will and doom of the assessors, having regard to their stock & estate, be it presented to view or not, in what hands soever it be, & if any such merchants find themselves over valued, if they can make it appear to the Assessors, they are to be eased by them, if not by the next County Court; And houses and land of all sorts (except as aforesayd) shall be rated at an equal & indifferent value, according to their worth in the Towns & places, where they ly. Also every Bull and Cow of four yeares old and upward at three pounds, Heifers & steers between three and four yeares old at fifty shillings, & between two & three yeares old at forty shilling, and between one & two, at twenty shillings, and every ox of four yeares old & upward at five pound, every horse & mare of three yeares old & upwards at ten pounds, between two & three at seven pounds, of one year old and upwards at five pounds, every ewe sheep above one year old, at five & twenty shillings, every goat above a year old, at eight shillings, every weather sheep above one year old, at ten shillings, every swine above one year old, at twenty shillings, Every Assle above one year old, at forty shillings, And all cattle of all sorts, under a year

a year old, are hereby exempted, as also all hay and corn in the husbandmans hand because all meadow, arable ground, & cattle, are rateable as aforesaid. And for all such persons as by the advantage of their arts and trades, are more enabled to help bear the publick charge, then common labourers and workmen, as *butchers, bakers, brewers, distillers, Smiths, Carpenters, Taylors, Shoemakers, Joiners, Barbers, Millers and Mill-jens.* with all other manual persons and Artists, such are to be rated for returns and gains, proportionable unto other men, for the produce of their estates provided that in the rate by the poll, such persons as are disabled by sickness, lameness, or other infirmities, shall be exempted. And for such servants and children as take not wages, their parents and masters shall pay for them, but such as take wages shall pay for themselves. And it is farther Ordered, that the Commissioners for the several Towns in every shire, shall yearly upon the first fourth day of the week, in the seventh month, assemble at their shire Town: and bring with them fairly written the just number of males, listed as aforesaid, and the assessments of estates made in their several Towns, according to the rules and directions in this present Order expressed, and the said Commissioners being so assembled, shall duly and carefully examine all the said lists and assessments of the several Towns in that shire, and shall correct and perfect the same, according to the true intent of this Order, as they or the major part of them shall determine, and the same so perfected, they shall speedily transmit to the Treasurer under their hands, or the hands of the major part of them; and thereupon the Treasurer shall give warrants to the Constables to collect & levy the same; so as the whole assessment, both for persons & estates, may be paid in unto the Treasurer, before the twentieth day of the ninth month yearly; and every one shall pay their rate to the Constable, in the same Town where it shall be assessed, (nor shall any land or estate be rated in any other Town; but where the same shall lye, or was improved to the owners, reputed owners, or their predecessors use or behoof, if it be within this jurisdiction) And if the Treasurer cannot dispose of it there, the Constable shall send it to such place in the shire, or elsewhere, as the Treasurer shall appoint, at the charge of the Country, to be allowed the Constable, upon his account with the Treasurer, and for all particulars, viz: Such places as are not yet layd within the bounds of any Town, the same lands, with the persons & estates thereupon, shall be assessed by the rates of the Town next unto it, the measure or estimation shall be by the distance of the next highways.

And whosoever of the said Commissioners, or of the Select men, shall wilfully fail or neglect to perform the said Commission to them, by this Order, in not making, correcting, perfecting or transmitting any of the said lists or assessments according to the intent of this Order, Every such offender shall be fined forty shillings for every such offence or so much as the Country shall be damaged thereby, so it extended not forty shillings for one offence, provided such offence be complained of & prosecuted within six months. And it is further Ordered that upon all distresses, to be taken for any of the rates & assessments aforesaid, the Officer shall distress goods or cattle, if they may be had, and if no goods then lands or houses, if neither goods nor lands can be had within the Town, where such distress is to be taken, then to attach the body of such person to be carryed to prison, there to be kept till the next Court of that shire, except they put in security for their appearance there, or that payment be made in the meantime. And it is Ordered that the prices of all sorts of corn to be received upon any rate by virtue of this order, shall be such as this Court shall set from year to year, and in want thereof at the price current to be judged by the Commissioners of Essex, Middlesex, and Suffolk. And it is further Ordered that no estate of land in England, shall be rated in any publick assessment And it is hereby declared that by publick assessment & rates, is intended only such as are assessed by order of the General Court for the countrys occasions & no other;

[1646. 47, 51, 57.]

B 4

4 It

Artificers & handicrafting rated

Inherent person exempt

Commissioner meet at the shire Town.

To perfect & assessments.

Constables to collect in 9 month.

Trecurers to be assessed at 5 next town

Commissioner or select men failings

forfeit 40s.

Price of corn to be sent to the Court

Land in England rate free.

A. 56. 2.
11.

Constables to
clear their
accounts of
the Rates by
the 1st day
L. 1. P. 46

Constable after
the expiration
of his
Office hath
power to collect
the Rates.

The sum of
the Rates
shall be paid
by the Constable
or his
habitant.

Selected men
shall be
appointed
to
read.

And Catechi-
zed.

Children to
be brought
up in some
calling.

Unto the
children
placed
out by the
Selected men.

A. 54. P. 6

Disobedient
children and
servants pun-
ished by
one Magistrate.

4. It is Ordered, that every Constable within this Jurisdiction, shall on the pe-
rinity of the penitus, clear up all their accounts with the Treasurer, for the Rates of
these several Towns, by the first of May yearly, and they and every of them are
in power to press rates or rates, for the better and more speedy sending in their
Rates, according to the time appointed. And if any Constable shall not
have collected the Rates and assessments, committed to his charge by the Treasur-
er, during the time of his Office, that he shall, notwithstanding the expiration of his
Office, have power to levy by distress, all such rates and leavies; and if he bring
them not into the Treasurer according to his warrant, the Treasurer shall distress
such Constables goods for the same. And if the Treasurer shall not so distress
the Constable, he shall be answerable to the Country for the same. And if the Con-
stable be not able to make payment, it shall be lawful for the Treasurer to distress for
all arrears of rates and leavies, any man or men of that Town, where the Constables
are unable, and that man or men upon petition to the General Court, shall have
Order to collect the same again, equally of the Town, with his just damages for
the same. [1640 56]

Children & Youth,

Forasmuch as the good education of children is of singular behoofe & benefit to any
Common-wealth, & whereas many parents & masters are too negligent & neg-
ligent of their duty in that kind. It is Ordered that the Selected men of every Town,
in the several precincts, and quarters where they dwell, shall have a vigilant eye over
their brethren and neighbours, to see, first that none of them shall suffer so much
barbarism in any of their families, as not to endeavour to teach, by themselves or o-
thers, their children & apprentices, so much learning, as may enable them perfectly
to read the English tongue, & knowledge of the Capitall laws: upon penalty of twenty
shillings for each neglect therein. Also that all masters of families, do once a week
(at the least) catechise their children and servants in the grounds and principles of
Religion, & if any be unable to do so much; that then at the least they procure such
children and apprentices, to learn some short orthodox catechism without book,
that they may be able to answer unto the questions, that shall be propounded to
them, out of such catechism by their parents or masters or any of the Selected men,
when they shall call them to a tryall, of what they have learned in this kind. And
further that all parents & masters do breed & bring up their children & appren-
tices in some honest lawful calling, labour, or employment, either in husbandry
or some other trade profitable for themselves and the Common-wealth, if they will
not, or cannot train them up in learning to fit them for higher employment. And
if any of the Selected men after admonition by them given to such masters of families
shall find them still negligent of their duty in the particulars afore mentioned, where-
by children & servants become rude stubborn & unruly, the said Selected men with
the help of two Magistrates or the next County Court for that Shire, shall take such
children or apprentices from them, and place them with some masters for yeares,
(boyes till they come to twenty one, & girls eight years of age or more) which
will more strictly look unto, & force them to submit unto government, according
to the Rules of this order, if by fair means & former instructions they will not be
drawn unto it. [1642.]

2. Forasmuch as it appeareth, by too much experience, that diverse children and
servants doe behave themselves disobediently & disorderly, towards their parents,
masters, & Governours, to the disturbance of families, & discouragement of such pa-
rents & Governours. It is Ordered by this Court & Authority thereof. That
it shall be in the power of any one Magistrate, by warrant directed to the Constable
of that Town, where such offender dwells, upon complaint, to call before
him any such offender, & upon conviction of such misdemeanors, to sentence him
to endure

to induce such Corporal punishment, by whipping or otherwise, as in his judgment the merit of the fact shall deserve, not exceeding ten stripes for one offence, or bind the offender to make his appearance at the next County Court; And further it is also Ordered, That the Commissioners of *Boston* and the three Commissioners of *Essex* to w^here no Magistrate dwells, shall have the like power, provided that the person or persons so sentenced, shall have liberty to make their appeal to the next County Court, in any such cases.

Or by the
Commissioners

A.51.P.4

3 Upon information of diverse loose, vaine and corrupt persons, both such as come from foraine parts, as also some others here inhabiting or residing, which insinuate themselves into the fellowship, of the young people of this Country, drawing them both by night, and by day, from their callings, studies, and honest occupations, & lodging place, to the dishonour of God and grief of their parents, Masters, Teachers, Tutors, Guardians, Overseers &c: It is Ordered by this Court and the Authority thereof That whosoever shall any wayes cause or suffer any young people or persons whatsoever whether children, servants, apprentices, schoolers belonging to the Colledge, or any Latine school, to spend any of their time or estate, by night or day, in his or their company, shop or other vessel, shop or house, whether Ordinary, Tavern, victualling house, cellar or other place where they have to doe, and shall not from time to time, discharge and hasten all such youths, to their severall employments & places of abode, or lodging aforesayd, if their being in any such place, be known to them, or any other servant or help in the family, or supplying the place of a servant at sea or on land, that then such person, household, shop-keeper, ship-master, ordinary-keeper, taverner, victualler, or other shall forfeit the sum of *forty shillings* upon legal conviction before any Magistrate, or the commissioners authorized to end small causes, one half to the informer, the other half to the Country; and all Constables in their severall limits, are required to act herein as is provided in reference to the Law concerning keepers.

Persons under government not to be entertained in common houses.

On penalty of 40 li.

4 Whereas sundry Gentlemen of quality, and others, of times send over their children into this Country, to some friends here, hoping (at least) thereby to prevent their extravagant and riotous courses, who notwithstanding (by means of some unadvised or ill affected persons, which give them credit, in expectation their friends, either in favour to them, or prevention of blemish to themselves, will discharge their debts) they are no less lavish and profuse here, to the great grief of their friends, dishonour of God, reproach of the Country. It is therefore Ordered by this Court. That if any person after publication hereof, shall any way give credit to any such youth, or other person under one & twenty yeares of age, without order from their friends here or elswhere, under their hands in writing, they shall loose their debt whatever it be; And further, if such youth or person, incur any penalty by such means and have not wherewith to pay, such person or persons, as are occasions thereof, shall pay it, as delinquents in the like case should doe [1647]

Debts made by persons under age not recoverable.

5 If any person shall wilfully and unreasonably deny any child, timely or convenient marriage, or shall exercise any unnatural severity toward them, such children shall have liberty to complaine to Authority for redress in such cases. [1641]

Parents denying marriage &c:

6 No Orphan, during their minority, which was not committed to tuition or service by their Parents in their life time, shall afterwards be absolutely disposed of by any, without the consent of some Court, wherein two Assistants (at least) shall be present, except in case of marriage, in which the approbation of the major part of the Select men in that Town, or any one of the next Assistants shall be sufficient, and the minority of women in case of marriage, shall be sixteen yeares. [1646]

Orphans not to be disposed of without a Court.

Chirurgions, Midwives, Physicians.

Forasmuch as the Law of God allows no man to impair the life or limbs, of any person, but in a medicinal way: It is therefore Ordered, That no person or persons whatsoever employed at any time, about the bodies of men, women or children

L.2.P.3.

C

for

No force or
violence to
be used in
any civil or
content &c.

for preservation of life or health, as Chirurgions, Midwives, Physitians or others, presume to exercise or put forth, any act, contrary to the known approved rules of art, in each mystery or occupation, nor exercise any force violence, or cruelty upon, or towards, the body of any, whether young or old, (no not in the most difficult and desperate cases) without the advice and consent of such as are skilfull in the same art (if such may be had) or at least of some of the wisest and gravest then present, and consent of the patient or patients if they be *mentis competes*, much less contrary to such advice and consent, upon such severe punishment, as the nature of the fact may deserve, which Law nevertheless, is not intended to discourage any from all lawfull use of their skill, but rather to encourage & direct them, in the right use thereof, and to inhibit and restraine the presumptuous arrogancy of such as through pride and of their own skill, or any other sinister respects, dare boldly attempt to exercise any violence upon or towards the bodies of young or old, one or other, to the prejudice or hazard of the life or limb of man, woman or child. [1649]

Clerke of the writts.

L:2:p:13:

It is Ordered by this Court and Authority thereof. That (notwithstanding every Magistrate hath power to grant Warrants, Summens and Attachments, in every towne within this Jurisdiction, there shall henceforth be a Clerke of the writts nominated by each town and allowed by each Shire Court, to grant Summons and Attachments in all civil actions, at the liberty of the Plaintiff, and Summens for witnesses; And the sayd Clerks are allowed to grant replevins, and to take bond with sufficient security of the party to prosecute the suite, whose fees shall be, for every warrant two pence, a replevin or Attachment three pence, and for a bond four pence. And all Attachments are to be directed to the Constables, in such townes where there is no Marshal dwelling. [1641]

Colledge.

Whereas through the good hand of God upon us, there is a Colledge founded in Cambridge in the county of *Middlesex*, called *Harvard Colledge*, for encouragement whereof, this Court hath given the sum of four hundred pounds & also the revenue of the ferry betwixt *Charlstown* & *Boston*, and that the well ordering and managing of the sayd Colledge is of great concernment: It is therefore Ordered by this Court and Authority thereof. That the Governour & Deputy Governour for the time being, and all the Magistrates of this Jurisdiction, together with the teaching Elders, of the six next adjoining townes, viz: *Cambridge*, *Water-towne*, *Charlstown*, *Roslon*, *Roxbury*, and *Dorchester*, and the President of the sayd Colledge for the time being, shall from time to time have full power and Authority to make & establish all such orders, statutes, and constitutions, as they shall see necessary for the instituting guiding and furthering of the sayd Colledge, and several members thereof, from time to time, in piety, morallity and learning, and also to dispose, order & manage to the use and behoofe of the sayd Colledge and members thereof, all gifts, legacies, bequeaths, revenues, lands and donations, as either have been, are, or shall be conferred, bestowed, or any wayes shall fall or come to the sayd Colledge. And whereas it may come to pass that many of the Magistrates & said Elders may be absent, or otherwise imployed in other weighty affaires, when the sayd Colledge may need their present help & counsel. It is therefore Ordered that the greater number of Magistrates and Elders, which shall be present with the President, shall have the power of the whole. Provided that if any constitution, order or orders by them made, shall be found hurtfull unto the sayd Colledge, or the members thereof, or to the weale publicke, then upon appeal of the partie or parties greived unto the company of Overseers first mentioned, they shall repeale the sayd Order or Orders (if they see cause) at their next meeting, or stand accountable thereof, to the next General Court. [1636. 40. 42]

2 Where as

Clerke fees.
Writts directed to
Constable.

Committees
& fees of
the Colledge.

To make orders.

Dispose of
gifts & revenues.

2. Whereas wee cannot but acknowledge the great goodness of God, towards his people in this wilderness, in raising up Schooles of Learning, and especially the Colledge from whence there hath sprung many instruments, both in Church & Common-wealth both to this and other places: And whereas at present, the work of the Colledge hath been several wayes struiled, and seems yet also at present for want of comfortable maintenance, for the encouragement of a President: This Court taking the same into their serious consideration, and finding that though many propositions have been made for a voluntary contribution, yet nothing hath hitherto been obtained, from several persons and Townes, although some have done very liberally & freely, and fearing lest wee should shew our selves ungratefull to God or unfaithfull to posterity, if so good a seminary of knowledge & virtue, should fall to the ground through any neglect of ours. It is therefore Ordered by this Court and the Authority thereof (That besides the Profit of the ferry formerly granted to the Colledge, which shall be continued) that there shall be yearly levayed by addition to the Country rate one hundred pounds, to be payd by the Treasurer of the Country to the Colledge Treasurer, for the behoof & maintenance of the President & Fellows, to be distributed between the President & Fellows according to the determination of the Overseers of the Colledge, and this to continue, during the pleasure of the Country. And it is hereby Ordered That no man shall stand engaged, to pay his voluntary contribution, that he hath under-written by virtue of this Courts propositions and that such persons, as have already done voluntarily, shall be considered for the same in the country rate, such a proportion, as this addition of one hundred pounds doth add to the rate, to be allowed by the Constable to each person, & by the Treasurer to the Constable, [1659].

Condemned.

It is Ordered by this Court. That no man Condemned to dye, shall be put to death, within four dayes next after his condemnation, unless the Court see special cause to the contrary, or in case of Martial law; nor shall the body of any man so put to death, be unburied twelve houres, unless it be in case of anatomie, [1641]

Constables.

It is Ordered by this Court & Authority thereof; That the Constable shall whip or punish any to be punished by Order of Authority (where there is not another Officer appointed to do it) in their own townes, unless they can get another to do it; Also every Constable is impowred, & hereby enjoyned, faithfully to collect such rates & assessments as shall from time to time, be committed unto them, by the select men, of the several townes, provided it be by warrant under their hand.

2. It is further Ordered. That any & every person tendered to any Constable of this Jurisdiction, by any Constable, or other officer of our own, or belonging to any foraine jurisdiction in this country, or by warrant from any such Authority, shall be presently received and conveyed forth with, from Constable to Constable, till they be brought to the place, to which they are sent, or before some Magistrate of this jurisdiction, who shall dispose of them, as the justice of the cause shall require. And all *Hue & cries* shall be duely received & diligently pursued, to full effect; And where no Magistrate is near, every Constable shall have full power to make, seize and put forth perquisites or *Hue & cries*, after Murderers, manslaughterers, peace breakers, Thieves, Robbers, Burglars & other capital offenders, as also to apprehend without warrant such as are overtaken with drink, swearing, Sabbath breaking, Lying, vagrant persons, night-walkers, provided they be taken in the manner either by the sight of the Constable, or by present information from others. As also to make search for all such persons, either on the Sabbath day, or other, when there shall be occasion, in all houses licensed to sell either beer or wine, or in any other suspected or disorderd places, & to use to apprehend, & keep in safe custody, till opportunity serve to bring them before one of the next Magistrates, to further examination.

A:54:P:2

100 pounds
given by the
Court to the
President &
Fellows.

None to be
executed
in 4 days af-
ter condem.

Constables
whip.

A57:P:26

To collect
Town rates

To convey
offenders.

Hue & cries
to be pursued

To be pur-
sued by the
Constable.

Officers to
be apprehended

All to assist &
Conveyances
of lands

Willful neg-
lect 40 is.

Const. staff

Not raising
Hue & Cry
in Capital
crimes forfeit

A. 52. p.
15:

No sale of
Land made
without
deed &c.

A. 51. p. 2

How deeds
& conveyances
ought to be
made.

L. 1. p. 16
Deeds obtained
by force
invalid.

Fraudulent
deeds inval-
id.

Sales to be
acknowledg-
ed & re-
corded.

Provided when any Constable is employed by any of the Magistrates, for apprehending of any person, he shall not do it without warrant in writing; and if any person shall refuse to assist any Constable, in the execution of his office, in any of the things aforementioned being by him required thereto, they shall pay for neglect thereof *ten shillings*, to the use of the country, to be levied by warrant from any Magistrate, before whom any such offender shall be brought: And if it appear by good testimony, that any shall wilfully, obstinately or contemptuously refuse or neglect to assist any Constable, as is before expressed, he shall pay to the use of the country *forty shillings*; And that no man may plead ignorance for such neglect or refusal: It is Ordered that every Constable shall have a black staff, of five foot long, tipped at the upper end about five inches with brass, as a badge of his office, which he shall take with him, when he goeth to discharge any part of his office, which staff shall be provided at the charge of the town, and if any Magistrate, Constable, or any other upon urgent occasion, shall refuse to do their best endeavour, in raising & prosecuting *Hue & Cry* by foot and if need be by horse, after such as have committed capital crimes, they shall forfeit for every such offence to the use aforesaid *fourty shillings*. [1646]

Conveyances, Deeds & writings.

For the prevention of *Clandestine & uncertain sales & titles*. It is Ordered and declared by this Court. That henceforth no sale or alienation of houses & lands in this jurisdiction, shall be holden good in Law except the same be done by deed in writing, under hand & seal, and delivered & possession given upon part, in the name of the whole, by the seller, or his attorney so authorized under hand & seal, unless the said deed be acknowledged & recorded according to Law. [1652]

2 *Whereas through the unskilfulness of some, that make deeds and conveyances of houses & lands, the word Heirs is oftentimes omitted, when as an estate of inheritance is intended to be passed by the parties; whereupon questions & suits at Law are apt to arise. For the prevention whereof for time to come.* This Court Ordereth. That all deeds & conveyances of houses and lands in this jurisdiction, wherein an estate of inheritance is to be passed, it shall be expressed in these words, or to the like effect, *To have & to hold the said house or lands respectively to the partie or grantee his Heirs and Assigns for ever, or if it be an estate entailed, then to have & to hold &c. To the partie or grantee & to the heirs of his body lawfully begotten or to the Heirs male of his body lawfully begotten between him & such an one his wife, or to have & to hold to the grantee for term of life, or for so many years, Provided this Law shall not include former deeds & conveyances, but leave them in the same condition, as they were or shall be in before this Law takes effect, which shall be at the last of October one thousand six hundred & fifty one, provided also that this Law shall not extend to houses or lands given by will or testament, or to any land granted or to be granted by the Inhabitants of a town.* [1651]

3 It is Ordered. That no conveyance, deed or promise whatsoever, shall be of validity, if it be obtained by illegal violence, imprisonment, threatening or any kind of forcible compulsion called *Dures*. [1641]

And all covenous or fraudulent alienations or conveyances of lands, tenements or any hereditaments, shall be of no force or validity; to defraud any man from his due debts or legacies, or from any just title, claim or possession, of that which is so fraudulently conveyed.

4 *And for the avoiding all fraudulent conveyances, and that every man may know what estate or interest, other men may have in any houses, lands or other hereditaments, they are to deal in.* It is Ordered by the Authority of this Court. That after the end of October one Thousand six hundred & forty, no mortgage, bargain, sale or grant made, of any houses lands, rents or other hereditaments, where the grantee remains in possession, shall be of force against other persons, except the grantee, & his heirs, unless the same be acknowledged, before some Magistrate, and recorded

recorded as is hereafter expressed: and that no such bargain, sale or grant already made in way of Mortgage, where the grantor remains in possession, shall be of force against others, but the grantor or his heirs except the same shall be entered as is hereafter expressed. within one month after the date before mentioned, if the parties be within this jurisdiction, or elsewhere, within three months after he shall return; And if any such Grantor, being required by the grantee his heirs or Assigns to make an acknowledgment of any grants, sale, bargain or Mortgage by him made, shall refuse so to do, it shall be in the power of any Magistrate to send for the party so refusing, & commit him to prison without Baile or Mainprize, untill he shall acknowledge the same, & the grantee is to enter his caution, with the Recorder of the County Court, and this shall save his interest in the meantime. And if it be doubtful whether it be the deed & grant of the party, he shall be bound with sureties, to the next Court of Assistants, and the caution shall remain good as aforesaid. And for the recording of all such grants, sales, Mortgages; It is ordered that the Clerke of every Shire Court shall enter all such grants, sales, bargaines, mortgages of houses, lands, rents & hereditaments as aforesaid, together with the names of the grantor & grantee, thing & estate granted, together with the date thereof. [1641 42]

Council.

THIS Court considering, how the weighty affaires of this Jurisdiction, whether they concern this peculiarly, or have reference to the rest of our confederated Colonies, may be duly & speedily transacted, in the vacancy of the General Court; for the satisfaction of the Commissioners, in respect of the weighty & judicious occasions, which may be then & there. Doth hereby express & declare. That the General Court ought to be called by the Governor, when the importancy of the business doth require it, & at a time & opportunity will safely admit the same; and that all other necessary matters are to be ordered and dispatched, by the major part of the Council of the Commonwealth, and therefore to that end, letters signifying briefly the business, & the time & place of meeting for consultation, ought to be sent unto the Assistants. Also it is hereby declared, that haven of the said Assistants meeting, the Governor or Deputie Governor being one, is a sufficient assembly to act, by impressing of souldiers, or otherwise as need shall be, and in case of extreme and urgent necessity, when indeavours are reasonably used to call together the Assistants, and the business will not admit delay, then the acts of so many as do assemble are to be accounted, & are accounted valid, & sufficient: Also it is intended that the general words aforesaid, containe in them power to impress & send forth souldiers and all manner of victuals, vessels at sea, carriages & all other necessities, and to send warrants to the Treasurer to pay for the same: [1645]

Council: Advice.

IT is Ordered by this Court; That it shall not be Lawfull for any person to aske Counsel or advice, of any Magistrate, or Commissioner in townes, in any case wherein afterwards, he shall or may be Plaintiff, before such Magistrate or Commissioner, under penalty of being disenable to prosecute any such action (if at he hath so propounded or taken advice, as aforesaid) at the next Court where the case shall come to triall. being pleaded by way of barr, either by the defendant, or any on his behalf; in which case the Plaintiff shall pay full costs to the defendant, & if the defendant aske counsel, or advice as aforesaid, he shall forfeit ten shillings for every such offence, to the Plaintiff:

Courts:

IT is hereby declared, that the General Court, consisting of Magistrates and Deputies is the Chief Civil power of this Commonwealth. which onely hath power to raise money and taxes upon the whole Country, & dispose of lands, viz: to give and confirm propertie, appertaining to, & immediately derived from the Country, & may: & in all affaires of this Commonwealth; according to such power, both in matters

Party refusing to acknowledge bonds to be imprisoned.

Grantee to enter his caution.

Clerk of the Court to enter deeds.

Council how to be called together.

How many may act. their power

L.2: P.4

None to ask Counsel of Magistrate or Council in civil action.

L.2: p.10:

13:

General Court the Chief power.

L:2 p 24

Deputy Oath

L:1 p 16:

Magistrates
& Deputies
to sit apart

L:1 p 36

No. 2: 10
part of the
consent of
major part of
both

A:52 p 11

D: 10: 10
on the day
before the
summonsDeputies al-
so to be 100None to de-
part without
leave

L:1 p 24:

Governor &
Dep. Govern-
or & Assistan-
t power to re-
prieve one
condemnedGen. Court
may sit in
any sessionL:1 p 36
24.

in matters of Court, making of Lawes, & matters of judicature, by impeaching & sentencing any person, or persons according to Law, & by receiving & hearing any complaints, orderly presented, against any person or Court; And it is agreed, that this Court, will not proceed to Judgment in any cause civil or criminal, before the Deputies have taken this Oath following: [16:4 42-44]

I Doe swear by the most great & dreadfull name, of the everliving God, that in all cases wherein I am to deliver my vote, or sentence, against any criminal offence, or between parties in any civil case, I will deale uprightly & justly, according to my judgment & conscience, and I will according to my skill & ability, assist in all other publick affaires of this Court, faithfully & truly, according to the duty of my place, when I shall be present to attend the service:

2 Forasmuch as after long experience, diverse inconveniencies are found in the manner of proceeding in this Court, by Magistrates & deputies sitting together:

It is therefore Ordered by this Court & Authority thereof: That henceforth the Magistrates sit apart, & act all busines belonging to this Court by themselves, by drawing up bills, & orders, as they shall see good in their wisdom, which having agreed upon, they may present to the Deputies to be considered, & accordingly, to give their consent or dissent: The Deputies in like manner sitting by themselves, & consulting about such orders & Lawes, as they in their discretion & experience, shall find meet for the common good, which agreed on by them, they may present to the Magistrates, who having considered, thereof, may manifest their consent or dissent, thereto: And no Law, order or sentence shall passe, or be accounted, an act of this Court, without Consent of the greater part of the Magistrates on the one part, & the greater number of deputies, on the other part, but all orders & conclusions, that have passed by approbation of Magistrates & Deputies as aforesayd, shall be accounted acts of this Court and accordingly be ingrossed, which on the last day of every session, shall be deliberately read over before the whole Court, Provided that if the Magistrates & Deputies, shall happen to differ in any case of Judicature, either civil or criminal, such case shall be determined by the Major Vote of the whole Court met together:

3 For the Electing of the Governour, Deputy Governour, Assistants, & General Officers, upon the day appointed by our Patent, to hold our yearly Court of Election, being the last wednesday of every Easter Term; It is solemnly & unanimously decreed & established; That henceforth the Freemen of this Jurisdiction, shall either in person or by proxy, without any Summons attend & consummate the Elections on the day aforesayd yearly: at which time also they shall send their Deputies with full power, to consult of & determine such matters as concern the welfare of this Common-wealth: from which General Court, no Magistrate or Deputie shall depart or be discharged, without the consent of the Major part both of Magistrates and Deputies, during the first foure daies of the first session, under the penaltie of one hundred pounds, nor afterwards, under such penaltie, as the Court shall impose, provided that the Deputies of Dover, and of such other Townes, as are not by Law bound, to send deputies are at liberty of attending any after sessions. [1643. 53]

4 It is hereby Ordered & declared that the Governour & Deputie Governour jointly agreeing, or any three Assistants consenting, have power out of Court, to reprieve a condemned Malefactor, till the next Court of Assistants or General Court, And that the General Court onely, hath power to pardon a condemned malefactor.

Also it is declared that the General Court hath Authority to send forth into foraine parts, any member of this commonwealth, of whatsoever quality, condition, Office or relation, about any publick message or negotiation, provided the party so sent, be acquainted with the affaires he goeth about, & be willing to undertake the service. [1641]

4 It is Ordered by this Court, That the Governour, Deputie Governour, or greater

or greater part of the Assistants, may upon urgent occasion call a General Court, at any time; But no General Court shall be dissolved, or adjourned, without the consent of the Major part thereof.

6 It is Ordered and declared that the Governour shall have a casting Vote, wherefore there shall be an *equivale*, in the Court of Assistants or General Court, and the President or Moderator in all Courts or Civil Assemblies. [1641]

The Court being sensible, of the great necessity of maintaining the Authority of Courts and Magistrates. Doth Order. That whosoever shall openly or willingly, defame any Court of justice, or the sentences & proceedings of the same, or any of the Magistrates, or other Judges of any such Court, in respect of any act or sentence therein passed, and being convicted thereof, shall be punished for the same, by whipping, fine, imprisonment, disfranchisement, or banishment, as the quality and measure of the offence shall deserve.

And if any Magistrate or other member of any Court, shall use any reproach full or unbecoming speeches, or behaviour, towards any Magistrate, judge, or member of that Court, in the face of the Court, he shall be sharply reprov'd, by the Governour or President of the said Court, and if the quality of the offence; be such, as shall deserve a further censure; or if the person so reprov'd, shall reply again without leave, the Court may proceed to punish any such offender by fine, or imprisonment, or may bind him over to the next superiour Court. And if in a General Court, any miscarriage shall be amongst the Magistrates, when they are by themselves, it shall be examined and sentenced amongst themselves, if amongst the Deputies when they are by themselves, it shall be examined and sentenced when they are by themselves, if it be when the whole Court is together, it shall be judged by the whole Court. [1637. 41]

7 FOR the better administration of justice, & easing of the Country of unnecessary charges and travails. It is Ordered by this Court & the Authority thereof. That there be two Courts of Assistants, yearly kept at Boston, by the Governour, Deputie Governour and the rest of the Magistrates, on the first Tuesday of the first month, and on the first Tuesday of the seventh month, to heare and determine all and onely actions of appeal from inferiour Courts; all Causes of divorce, all Capital and Criminal causes, extending to life, member or banishment. And that justice be not deferred nor the Country needlessly charged, It shall be Lawfull for the Governour, or in his absence the Deputie Governour (as they shall judge necessary) to call a Court of Assistants for the tryal of any Malefactor in Capital Causes.

Also there shall be County Courts held in the severall Counties, by the Magistrates living in the respective Counties, or any other Magistrates that can attend the same, or by such Magistrates as the General Court shall appoint from time to time, together with such persons of wroth, where there shall be need, as shall from time to time be appointed by the General Court (at the nomination of the Freemen of the County) to be joyned in Commission with the Magistrates, so that they may be five in all, three whereof may keep a Court, provided there be one Magistrate. Every of which Courts shal have full power to hear & determine all causes Civil & Criminal, not extending to life, member or banishment, (which with Causes of divorce are reserved to the Court of Assistants) and to make & constitute Clerks and other needfull Officers, and to Summon juries of inquest and tryals out of the Towns of the County, provided no Jurors shall be warned from Salem to Ipswich nor from Ipswich to Salem, & the times & places for holding the county Courts shall be as followeth.

Suffolk.	(2	Salisbury	2 m.
	5		
	8		
Boston the last tuesday of the	(11	Norfolk	3 m.
		Hampsh	(3 m.
C 4		F 7	

Power to call a Gen. Court Not to be dissolved but by Act of Gov.

Governor & President casting vote.

L 1: p: 36: Reproach: Courts or Magistrates: pendie.

Offences of members of Court, in Court how censured.

L: 1: p: 14

2 Court of Assistants.

their power.

L: 3: p: 5:

Govern. may call a Court of Assistants.

L 1: p: 14:

15.

County Court

who keep them.

How many judges.

their Power

Time and place of the county courts.

Essex. (Salem the last tuesday of ⁽⁴⁾₍₉₎ month. Ipswich ⁽¹⁾₍₇₎ Pascataqua (Dever Portsmouth) ⁽¹⁰⁾₍₁₂₎ month of 5 month

(Charlestown the 3 tuesday ⁽⁴⁾₍₁₀₎ of month) Middlesex (Cambridge the 1 tuesday ⁽²⁾₍₈₎ of month) Yorkshire. York: 1 tuesday of 5 month

L:2: p.7.

Judges at ac-
knowl: be-
fore Magist:

A judgment acknowledged before any two Magistrates & the Secretary or Clerk of any Court, shall be good in Law, and the Clerk's fee for Recording the same, shall be *twelve pence*, and if the Secretary or Clerk be a Magistrate, he with one Magistrate may do it.

L:1: p.15

Special
Courts for
strangers,

8. For the more speedy dispatch of all Causes, which shall concern Strangers, who cannot without prejudice, stay to attend the ordinary Courts of Justice. It is Ordered, That the Governour, or deputy Governour, with any two Magistrates, or when the Governour, Deputy Governour cannot attend it, that any three Magistrates, shall have power upon the request of such stranger, to call a special Court to hear and determine all causes Civill & criminall (triable in any County court according to the manner of proceeding in County Courts) which shall arise between such strangers or wherein any such stranger shall be party. And all records of such proceedings, shall be transmitted to the records of the Court of Assistants, to be entered as tryals in other Courts) which shall be at the charge of the partie call or condemned in the case. 1639.

L:2: p.15

Strangers li-
ber: to sue
at any Court.

It is further ordered that it shall be lawfull for any stranger, upon legal Sumons. to enter any action, in any Court of this Jurisdiction, against any person not residing or Inhabitant amongst us.

L:1: p.36

Judges rela-
ted: parties
not to give
sentence.

9 FOR preventing all occasions of partial or undue proceedings, in Courts of justice, and avoyding of jealousies, It is Ordered. That in every Civil Cause, between partie and partie, where there is between any judge of the Court, and any of the parties, the relation of Father and Son either by nature or marriage, Brother and Brother, Uncle & Nephew, Landlord & Tenant in matters of considerable value, Such judge, though he may have liberty to give reasonable advice, in the case, yet shall have no power to vote or give sentence therein, neither shall sit as a judge, when he shall so plead or give advice therein. [1635]

L:1: p.16

Offender to
be judged &
next Court.

10 It is Ordered by this Court; That every person, that is to answer for any criminal cause, whether, in person, or under bayle, his cause shall be heard and determined, at the next Court, that hath proper Cognizance thereof, if it may be done without prejudice of justice. [1641]

A:54 p:2

In difficult
cases Courts
may consult
the Gen: Court

11 Forasmuch as the proceedings of this Court, are often hindered by introducing particular cases of a private nature; It is therefore Ordered. That no Court shall transfer the cases coming before them, and proper to their cognizance, whether civil or criminal, but if there be difficulty in any case, the Court shall state the question, leaving out the parties names, and may present the same to the General Court, where it may be resolved, and according to the layd resolution of the General Court, the Inferiour Court that presented the question, shall at their next meeting, proceed to judgment or sentence, [1654]

L:2: p.4.

C of the courts
may admit &
the Gen: Court

12 Every Court in this Jurisdiction, where two Magistrates are present, may admitt any church members, that are fit, to be Freemen, giving them the Oath, and the Clerke of each Court, shall certify their names to the Secretary at the next General Court. [1641]

Cruelty.

It is Ordered by this Court. That no man shall exercise any tyranny or cruelty towards any brute creatures, which are usually kept for the use of man. [1641]

It is

Death untimely.

IT is Ordered by this Court & Authority thereof, That whensoever any Person shall come to any suddain, untimely, or unnatural death, some Assistant or the Constable of the Town, shall forthwith Summon a Jury of twelve discreet men, to inquire of the cause and manner of their death, who shall present a true verdict thereof, to some near Assistant, or the next County Court upon their Oath. [1641]

When any death is to be inquired by a Jury.

Deputies for the Generall Court.

IT is Ordered by this Court & the Authority hereof, That henceforth it shall be Lawfull for the Freemen of every Town, to choolc (by papers) Deputies for the Generall Court, Who have liberty to meet together, to confer & prepare such publick busines, as by them shall be thought fit to be Considered of at the next Generall Court, who also shall have the full power of all the freemen deputed to them, for the making and establishing of lawes, granting lands, and to deal in all other affaires of the Common wealth, wherein the freemen have to doe, the matter of Election of Magistrates, & other Officers onely excepted: wherein every freeman is to give in his vote; provided that no Towne shall send more then two Deputies & no Town that hath not to the number of Twenty freemen shall send more then one Deputy, & such plantations as have not Ten freemen shall send none, but such freemen may vote with the next Towne, in the choice of their Deputies, till this Court take further Order. And all Townes that have not more then Thirty freemen, shall be at Liberty of sending or not sending Deputies to the Generall Court.

Deputies choosen by papers

Their power

Number of Deputies to be sent from particular Townes

A: 53.

Liberty to choolc Deputies dwelling any where in this Jurisdiction. Deputies may order their own house.

No deputies to hold long then one year

[1636. 38. 53.]
2. And the freemen of any shire or Town, have liberty to choolc such Deputies for the Generall Court, either in their own shire Towne, or else where, as they judge fittest, so be it they be freemen, and Inhabiting this Jurisdiction. And when the Deputies, for the severall Townes are met together, at any Generall Court, it shall be lawfull for them, or the Major part of them, to hear & determine any difference that may arise about the Election of any of their members, and to Order what may concern the well Ordering of their body.

And because wee cannot foresee what variety & weight of occasions may fall into future consideration, and what counsells wee may stand in need of,

It is Ordered that the Deputies of the Generall Court, shall not at any time be staid & continued but from Court to Court or at most but for a year, that the Country may have an annuall Liberty, to do in that case, what is most behoofull for the wellfare thereof. [1641. 34. 35.]

And it is further Ordered: That no man although a freeman, shall be accepted as a Deputy in the Generall Court, that is unsound in judgment, concerning the main points of Christian religion as they have been held forth & acknowledged by the generality of the Protestant Orthodox writers, or that is Scandalous in his conversation, or that is unsatisfull to this Government. And it is further ordered that it shall not be Lawfull for any freeman to make choice of any such person as aforesaid, that is known to himself to be under such offence or offences specified upon paine or penalty of five pounds, & the Cases of such persons to be tryed by the whole Generall Court [1654.]

A 54: P: 3

Deputies to be orthodox

And henceforth the Constables of each Towne, shall return the name of the person or persons chosen by the freemen, to be Deputies for the Generall Court, & the time for which they are chosen whether for the first session or for the whole year. And every Constable that shall faile in his duty herein shall forfeit the Summ of Twenty shillings, to be payd to the Common Treasury, and all persons so chosen as aforesaid, accepting thereof, which shall be absent from the house during the time of their sitting without just grounds so judged by the house, shall pay Twenty shillings a day, for every such defect & the severall returns of each Constable, shall be kept on file by the Clerk of the Deputies until the Court be ended. [1654.]

Constable to return who are chosen deputies & for what time.

Dyffress.

IT is Ordered by this Court & the Authority thereof. That no man nor Corn or hay that is in the feild, or upon the Cart, nor his Garden stuff, nor any thing subject to present decay shall be taken in distress, unless he that takes it, doth perfectly bestow it, where it may not be imbezled, nor suffer spoile or decay, or give security to satisfy the worth thereof, if it comes to any harme. [1641]

Dowries.

FORasmuch as no provision hath been made. For any certaine maintenance for wives after the decease of their husbands. It is Ordered by this Court & the Authority thereof. That every Married Woman, (living with her husband in this Jurisdiction, or other where absent from him, with his consent, or through his neglect default, or inevitable providence, or in case of divorce, where she is the innocent partie) that shall not before Marriage, be estated by way of joynture, in some Houses Lands, Tenements or other Hereditaments for term of life, shall inmediately after the death of her husband, have right and interest by way of dowry, in, and to, one third part, of all such Houses, Lands Tenements and Hereditaments, as her husband was seized of to his own use, either in possession, reversion or remainder, in any estate of inheritance, (or frank-tenement not then determined) at any time during the Marriage, to have and enjoy, for the term of her naturall life, according to the estate of such husband, free & freely discharged of, & from all titles, debts, rents, charges judgments, executions & other incumbrances whatsoever, had, made or suffered by her husband, during the said Marriage between them: or by any other person claiming by, from or under him, otherwise then by some act or consent of such wife signified by writing under her hand, & acknowledged before some Magistrate, or others Authorized thereunto which shall barr her from any right or interest in such estate. And if the heire of the husband, or other person interested, shall not within one month, after lawfull demand made, assign & let out, to such widdow, her just third part with conveniency, or to her satisfaction, according to the intent of this Law then upon a writ of dowry, in the Court of that shire where the said houses, lands, tenements, or other hereditaments shall ly, or in the Court of Assistants, if the same ly in several shires, her third part, or dowry, shall be assigned her, to be set out in severall, by metes & bounds, by such Persons as the same Court shall appoint for that purpose, with all costs and damages sustained, provided alwayes this Law shall not extend to any Houses Lands Tenements or other Hereditaments, sold or conveyed away, by any husband, bona fide, for valuable consideration before the last of November one Thousand Six Hundred and forty seven. Provided also that every such widdow so endowed, as aforesaid, shall not commit or suffer any strip or wast, but shall maintaine all such Houses, fences & inclosures as shall be assigned to her, for her Dowrie, and shall leave the same in good and sufficient reparation in all respects. [1647]

Drovers.

IT is ordered by this Court and the Authority thereof. That if any man shall have occasion to lead, or drive Cattle from place to place, that is far off, so that they be weary or hungry or fall sick or lame, it shall be lawfull to rest and refresh them for a competent time in any open place, that is not Corne, meadow or inclosed for some particular use. [1641.]

Ecclesiasticals.

ALL the People of God, within this Jurisdiction who are not in a Church way, and be orthodox in judgement, and not scandalous in life shall have full Liberty to gather

Wives to enjoy the third part of their husbands Lands &c.

L: 2 p: 5.

Widdowes third part to be set out.

Not to suffer strip or wast.

to gather themselves into a Church estate, provided they do it in a Christian way, with the observation of the Rules of Christ revealed in his word.

Provided also that the Generall Court doth not, nor will hereafter approve of any fith companies of men, as shall joyne in any pretended way of Church-fellowship, unless they shall acquaint the Magistrates, and the Elders of the neigbour Churches, where they intend to joyne, & have their approbation therein.

2. It is further Ordered, that no person being a member of any Church, which shall be gathered without the approbation of the Magistrate, & the said Churches shall be admitted to the freedom of this Common-wealth.

3. Every Church hath free libertie to exercise all the Ordinances of God, according to the rule of the Scripture.

4. Every Church hath free liberty of Election & ordination of all her Officers from time to time, provided they be able, pious & Orthodox.

5. Every Church hath also free liberty of admission, recommendation, dismission & expulsion or disposal of their Officers & members upon due cause, with free exercise of the discipline & censures of Christ, according to the Rules of the word.

6. No injunction shall be put upon any Church, Church-Officer, or member in point of doctrine, worship, or discipline, whether for substance or circumstance besides the Institutions of the Lord.

7. Every Church of Christ, hath freedom to celebrate dayes of *fasting & prayer* and of *thanksgiving*, according to the word of God.

8. The Elders of Churches and other brethren and trespassers, have liberty to meet *monthly, quarterly*, or otherwise, in convenient numbers and places, for conference and consultations about christian and Church questions & occasions, provided that nothing be concluded and imposed by way of Authority from one or more Churches upon another, but onely by way of brotherly conference & consultation.

9. All Churches also have liberty to deal with any of their members in a Church-way, that are in the hands of justice, so it be not to retard and hinder the course thereof.

10. Every Church hath liberty to deal with any Magistrate, Deputy of Court or other Officer whatsoever, that is a member of theirs, in a Church-way, in case of apparent and just offence, given in their places, so it be done with due observance and respect. But no Church censure shall degrade or depose any man from any Civil dignity, Office or Authority he shall have in the Common-wealth.

11. The Civil Authority here established, hath power and liberty to see the Peace, Ordinances and Rules of Christ be observed in every Church, according to his word, as also to deal with any Church-member, in a way of Civil justice, notwithstanding any Church relation, office or interest.

12. Private meetings for edification in Religion, amongst Christians of all sorts shall be allowed, so it be done without just offence, for number, time, place and other circumstances. [1641]

13. The Treasurer of the Country, shall defray the Charges of the Elders, of our Churches, when they are employed by special order of the General Court. 1642.

Whereas it is the duty of the Christian Magistrate, to take care the people be fed with wholesome and sound Doctrine, and in this hour of Temptation, wherein the enemy designeth to sow Corrupt seed. Every company cannot be thought able or fit to judge, of the Gospel-qualifications required in the publick dispensers of the word and all societies of Christians are bound to attend Order & Communion of Churches, Considering also the rich blessing of God, flowing from the good agreement of the Civil and Church estate, and the horrible mischiefs and confusions, that follow on the contrary, It is therefore Ordered, That henceforth, no person shall publicly and constantly preach to any company of people, whether in Church society or not, or be ordained to the Office of a *seceding* minister, where any two Or-

Liberty to gather Churches.

With approbation of the Magistrate and Elders.

To be done in Church-Congregations.

Members.

No injunctions.

Elders meet.

Churches to deal with their members.

Private meetings.

L: 2. p 7

A. 58.

Constant preachers to be without offence.

ganick Churches, Councel of state, or Generall Court, shall declare their disaffection thereat, either in reference to doctrine or practise, the said offence being declared to the said company of people, Church, or person, untill the offence be orderly removed, and in case of Ordination of any teaching Elder, timely notice thereof shall be given unto three or four of the neighbouring Organick Churches for their approbation. [1658]

14. *Forasmuch as the open contempt of Gods word, and messengers thereof, is the detestable sin of Civil States & Churches.* It is Ordered, That if any Person (so called) within this Jurisdiction; shall contemptuously behave himself, towards the word preached, or the messengers thereof, called to dispense the same, in any Congregation, when he doth faithfully execute his service and office therein, according to the will and word of God, either by interrupting him in his preaching, or by charging him falsely with any error, which he hath not taught in the open face of the Church, or like a son of Korah cast upon his true doctrine or himselfe any reproach, to the dishonour of the Lord Iesus, who hath sent him, & to the disparagement of his holy Ordinance and making Gods wayes contemptible, & ridiculous: That every such person or persons (whatsoever censure the Church may passe) shall for the first scandal be cōvented, & reprov'd openly by the Magistrate at some lecture and bound to their good behaviour. And if a second time they break forth into the like contemptuous carriage, they shall either pay five pounds to the publick Treasury, or stand two houres openly upon a block or stool, four foot high, on a lecture day, with a paper fixed on his breast, written in Capital letters, AN OPEN AND OBSTINATE CONTEMNER OF GODS HOLY ORDINANCES, that others may hear & be ashamed of breaking out into the like wickednes. [1646]

And every Christian as aforesaid that shall goe about to destroy or disturb, the order & peace of the churches established, in this Jurisdiction, by open renouncing their Church estate or their Ministry, or other Ordinances dispensed in them, either upon pretence that the Churches were not planted by any new Apostle, or that ordinances are for carnal Christians, or for babes in Christ, & not for spiritual or illuminated persons, or upon any other such like groundless conceit, every such person who shall be found culpable herein after due meanes of Conviction shall forfeit to the publick Treasury, forty shillings for every month so long as he shall continue in that his obstinacy. [1646]

15. *Wherever the ministry of the word is established, according to the order of the Gospel throughout this Jurisdiction:* Every Person shall duly resort, and attend therunto, respectively on the Lords dayes, & upon such publick fast dayes, & dayes of thanksgiving, as are to be generally observed by appointment of Authority. And if any person within this Jurisdiction shall without just & necessary cause, withdraw himselfe from the publick ministry of the word, after due meanes of conviction used he shall forfeit for his absence, from every such publick meeting five shillings. And all such offences may be heard & determined from time to time by any one or more Magistrates [1646]

26. *To the end there may be convenient habitations for the Ministers of the Word,* It is Ordered, That the Inhabitants of every Town, shall take care to provide the same, either by hiring some convenient house, for the use of the present Minister, or by compounding with him, allowing him a competent and reasonable Summ to provide for himself, so long as he shall continue with them, or by building or purchasing an house for the Minister and his successors in the ministry, as the major part of the said Inhabitants shall agree. And the particular summs assessed upon each person, by a just rate, shall be collected & levied as other town rates.

17. *That there may be a settled and incongruous maintenance of Ministers, in all Towns and Congregations within this Jurisdiction,* It is Ordered, That the County Court in every shire, shall upon information given them, of any defect of any Congregation

Open opposition
to the
Word

L:2 P:5.

Disturbance
of order and
peace of
Churches
penalty.

At the from
meeting

Ministers
houses how
to be provided
for.

A.54.p.6

gregation or Town within the Shire, order and appoint what maintenance shall be allowed to the *Ministers of the place*, and shall issue out warrants to the Select men to assess the Inhabitants, which the Constable of the said Town shall Collect and levy as other Town rates, And it is hereby declared to be our intention that an honourable allowance be made to the Minister, respecting the ability of the place, and if any Town shall find themselves burdened by the Assessment of the County Court, they may complain to the Court, which will at all times be ready to give just relief to all men. [1654]

Elections.

It is Ordered by this Court and the Authority thereof, That for the yearly closing of Assistants, the freemen shall use Indian Corn & Beanes, the Indian Corn to manifest Election, the Beanes contrary, and if any freeman shall put in more than one Indian Corn or Beane for the Choice or refusal of any publick Officer, he shall forfeit for every such offence, Ten Pounds, and that any man that is not free, or hath not liberty of voting, putting in any vote shall forfeit the like Summ of Ten Pounds. [1643]

2. For the preventing many inconveniences, that otherwise may arise upon the yearly day of Election, and that the work of that day, may be the more orderly, easily and speedily finished. It is Ordered by this Court and the Authority thereof.

That the Freemen of this Jurisdiction, which shall not personally appear at Boston, to give in their votes on the day of Election, shall and may in their severall Towns, from time to time give in their votes for Elections, before their Deputy, & the Constable, who shall take the & Seal them up in distinct papers, & send them to the Court of Elections, All the Assistants to be Chosen by *Indian Corn & Beanes*, as at oversaid.

The Governour, Deputy Governour, Major General, Treasurer, Secretary, and Commissioners of the United Colonies, by writing the names of the persons Elected, in papers open, or once folded, not twisted nor roled up that they may be the sooner perused. And such small villages as send no Deputies, the Constable thereof with two or three of the chief freemen shall receive the votes of the rest of the freemen, and deliver them together with their own, Sealed up, to the Deputy of the next Town, who shall Carefully convey the same, unto the said Court of Election. [1647.]

3. Forasmuch as the choice of Assistants or Magistrates yearly, is of great concernment & with all care & circumspection to be attended, It is Ordered by this Court & the Authority thereof. That the Constables of every Town in this Jurisdiction shall call together all their freemen some day in the second week of the first month yearly, to give in their votes in distinct papers for such persons (being freemen and resident within this Jurisdiction, as well the Magistrates in present being as others) whom they desire to have chosen for Magistrates or Assistants at the next Court of Election, not exceeding the number of Fourteen, And no freeman shall put in above one vote, for one person, under the penalty of Ten Pounds for every offence.

And the said freemen (so met together) or the major part of them, shall then and there, appoint one to carry their votes sealed up, unto their Shire Townes, upon the last Fourth day of the week in the First month following, at Twelve of the Clock six m time to time, which Persons for each Town so assembled, shall appoint one of themselves as a Commissioner of each Shire to carry them to Boston the Second third day of the Second month, there to be opened and perused, in the presence of one or two Magistrates (if they be in Town) if otherwise by those persons that brought them, at the Court house in Boston, or such other place as the Commissioner of any Shire shall appoint, and those fourteen that have most votes, shall be the men (and they only) which shall be nominated at the Court of Election for Magistrates or Assistants as aforesaid, and the said Commissioner of each Shire, shall forthwith signify to the Constable of the severall towns within their County, in writing under their hands,

Proviso for
minst main-
tenance.

Election by
Indian corn
& beanes.

None but
freemen to
put in votes.

Election by
seal & not
sealed up.

Elect of Go-
vernors &c.
by papers.

L:2.P 10

A.52 p15

Nomination
of Magistrates
in townships.

A.58.

Votes to be
sent to the
Shire towns.

To Polls to
be numbered
by Commis.

Commissioner
of Shire to
returne
names of the
persons nomi-
nated to the
Court.

Old Magist:
to be put
to election.

Freemen to
choose all
General Off-
cers.

the names of those *fourteen persons* aforesaid all which the Constable in each Town, shall timely signify to their *freemen*. And as any have more votes then others, so shall they be nominated for *Election*, except such of the fourteen, who were Magistrates, the year before, who shall have precedency of all others, in nomination on the day of Election. And if any person be trusted in this Order, shall fail in the discharge of their trust, they shall forfeit *Ten pounds*. [1649]

4. It is declared by this Court, to be the constant liberty of the Freemen of this Jurisdiction, to choose yearly at the Court of Election out of the freemen all the General Officers of this Jurisdiction, & if they please to discharge them, at the Court of Election by way of vote they may doe it, without shewing cause, But if at any other General Court, we hold it due Justice that the reason thereof be alledged & proved. By General officers we meane our Governor, Deputy Governor, *Justices*, *Treasurer*, *Major General*, *Admirall at sea*, *Commissioners for the United Colonies*, *Secretary of the General Court*, and such others as are, or hereafter may be of like generall nature. [41.]

Escheates.

It is Ordered by this Court and the Authority thereof. that where no heire or owner of houses, Lands, tenements, goods or Chattels can be found, they shall be seized to the publick Treasury, till such heires or owners shall make due claime thereto unto whom they shall be restored upon just and reasonable terms. [1646.]

Farms.

It is Ordered by this Court and the Authority thereof. That all Farms which are within the bounds of any Towne, shall henceforth be of the same Towne, in which they lye except Meadford. [1641]

Faires & Markets.

Boston Salem

In Charles-
town.

L. 2. P. 7.

Watertown

It is Ordered by the Authority of this Court. That there shall henceforth be a Market kept at Boston in the County of Suffolk upon the fifth day of the week from time to time, and at Salem in the County of Essex upon the fourth day of the week from time to time. And at Lynn on the third day of the week from time to time. And at Charlestown in the County of Middlesex upon the sixth day of the week from time to time.

It is also Ordered and hereby Granted to Boston aforesaid to have two Faires in a year, on the first third day of the third month, and on the first third day of the eighth month from year to year to continue for two or three days together. Also to Salem aforesaid to have two Faires in a year on the last fourth day of the third month, and the fourth day of the seventh month from year to year, Also to Watertown in the County of Middlesex two Faires in a year, on the first sixth day of the fourth month, and the first sixth day of the seventh month. Also to Dorchester in the County of Suffolk two Faires in a year, on the third fourth day of the first month and the last fourth day of the eighth month, from year to year. [1633. 34. 36. 38. 48.]

Ferryes.

Men may pass
ferryes in
their own
boats

L. 2. P. 7.

Ferryes not
to carry in
Canoes.

For settling all common Ferryes in a right course, both for the passengers and owners, It is Ordered by this Court & the Authority thereof. That whosoever hath a ferry granted upon any passage, shall have the sole liberty, for transporting passengers from the place where such ferry is granted, to any other ferry place, where ferry boats use to land, and any ferry boat that shall land passengers at any other ferry, may not take Passengers from thence, if the ferry boat of that place be ready, provided this Order, shall not prejudice the liberty of any, that doe use to pass in their own or neighbours Canoes or boats to their ordinary labour, or business. But no ferryman shall carry over the water any passengers in a Canoe, but in case of necessity and upon his own desire, under the pain of forfeiture of the Canoe or

or the Value thereof to the Treasury. And at *Hemmouth* ferry every single person shall pay for his passage *two pence*. And all Ferryman are allowed to take double pay, at all common ferries after day light is done, & those that make not present pay, being required, shall give their names in writing, or a pawn to the ferryman, or else he may complaine of any such, to a Magistrate for satisfaction. And it is Ordered that all Magistrates, & such as are, or from time to time shall be chosen Deputies of the Generall Court, with their necessary attendance viz. a man & a horse at all times, during the time of their being Magistrates or Deputies (but not their families) shall bee passage-free over all ferries, that pay no more to the Country.

Magistrate & Deputies to pass free.

2. And for the preventing of danger in the passing at Common ferries. It is Ordered. That no person shall press or enter into a ferry boat contrary to the will of the ferryman or of the most of the Passengers first entred upon paine of *Ten shillings* for every such attempt. And that every ferryman that shall permit or allow, any person to come into his Boat against the will of any of the Magistrates or Deputies or any of the Elders shipped in such Boat or the greater part of the Passengers in the said Boat shall forfeit for every person so admitted or received against such their will so declared, the sum of *Twenty shillings*. And it shall be in the power of any of the ferryman, to keep out, or put out of his boate, any person that shall press, enter into, or stay in any such ferry boate, contrary to this Order. And it is further Ordered, That all persons shall be received into such ferry boats according to their commons, first or last, onely all publick persons, or such as goe upon publick or urgent occasions, as *Physicians*, (*Chirurgeons* and *Midwives*, and such other as are called to womens labours, such shall be transported with the first. [1641. 44. 46. 47]

None to enter ferry boat without leave of the ferryman Magistrate Deputy or Justice.

Men pass at they come except publick persons.

Fines.

It is Ordered by this Court and Authority thereof. That every offender fined for the breach of any penal Law, shall forthwith pay his or their fine or penalty, or give security speedily to doe it, or be imprisoned, or kept to worke till it be payd, unless the Court or Judge that imposed the fine see cause to respite the same; And in all Courts where any fine or fines, or other summs of money shall be assessed or received, And also when any Magistrate or Commissioner, shall assess any fines, or receive any summe, for the use of the Country, by vertue of any special Order, the Secretary or Clerk, of each Court, and every such Magistrate and Commissioner, shall within fourteen dayes, send a transcript or note of the layd fines, & other dues, to the Treasurer of the Country or County to whom it doth belong, who shall forthwith give warrant to the Marshal to collect & leavy the same. And if no goods can be found, to satisfy such fine or other dues, the Marshal shall attach the body of such persons, and imprison them till satisfaction be made. Provided that any Court of Assistants or County Court, may discharge any such person from imprisonment, if they be unable to make satisfaction. [1638. 46]

L: 1: p: 38:

Fines to be payd presently

L: 2: p: 7:

Clerk to returne all fines to the Treas: in 14 dayes:

L: 1: p: 22

Marshal to attach body where goods are not to be:

Firing & Burning.

It is Ordered by this Court and Authority thereof, That whosoever shall kindle any fires in the woods, or grounds lying in Common, or inclosed, so as the same shall run into corne grounds or inclosures before the tenth day of the first month, or after the last of the second month, or on the last day of the week, or on the Lords day, shall pay all damages, and half so much for a fine, or if not able to pay, then to be corporally punished, by warrant from one Magistrate, or the next County Court, as the offence shall deserve, not exceeding *Twenty stripes* for one offence. Provided that any man may kindle fire in his own ground so as no danger come thereby either to the Country or to any particular person, and whosoever shall wittingly and willingly burne or destroy any frame, Timber, hewed sawen or riven, heapes of wood, Charcoal, Corn, Hay, Straw, Hemp or flax, he shall pay double damages.

Firing of ground wherof lawfull wher forbidden.

A: 52. p. 11

Burning
houses.

C. 11

Fishesmen li-
berty to fish
in our harbours.And to take
wood for
their occasions.Making fish
from the
proprietors.A. 52. p.
9, 10.Sworn view
and view at
sitting
places.

2 Whereas some dwelling houses, and other houses, within this jurisdiction, have been set on fire, and the means or occasion thereof not discovered, though some persons have been vehemently suspected, to have been instrumental therein. The Court taking into consideration the danger of such a wicked practice, especially in Townes where the houses are neere adjoining, and there being no Law yet provided for the punishment of so heinous a crime: Doth therefore hereby Order, and be it enacted by the Authority of this Court, That any person or persons whatsoever, of the age of sixteen years and upward, that shall after the publication hereof, wittingly and willingly set on fire any Barn, Stable, Mill, out-house, stack of wood, Corne or hay, or any other thing of like nature, shall upon due conviction by testimony or confession, pay double damages to the partie damaged, and be severely whipt. And if any person of the age aforesayd, shall after the publication hereof, wittingly & willingly & feloniously set on fire any dwelling house, meeting-house, storehouse, or shall in like manner set on fire any out-house barn, stable, leanto, stack of hay, corn or wood, or any thing of like nature, whereby any dwelling house, meeting house or storehouse, cometh to be burnt, the party or parties vehemently suspected thereof, shall be apprehended by warrant from one or more of the Magistrates & committed to prison, there to remaine without baile, til the next Court of Assistants, who upon legal conviction by due proof, or confession of the Crime, shall adjudg such person or persons to be put to death, and to forfeit so much of his lands, goods or chattels, as shall make full satisfaction, to the party or parties damaged. [1652]

Fish Fishermen.

W Hereas it hath been a Custome for forreine fishermen, to make use of such harbours and grounds in this Countrey, as have not been inhabited by English men, & to take timber and wood at their pleasure, for all their occasions, yet in these parts which are now possessed, and the lands disposed in proprieties, unto several townes & persons, by the Kings grants under the great seale of England. It is declared, That it is not lawfull for any person either fisherman or other, either forreiner or of this Countrey, to enter up on the lands so appropriate to any town or person or to take wood or timber, in any such place, wth out the licence of such Town or proprietor, and if any person shall trespass herein, the Town or proprietor so injured, may take their remedy by action at law, or may preserve their good or other interest, by appoyning Lawfull force against such unjust violence, Provided that it shall be Lawfull for such fishermen, as shall be employed by any Inhabitants of this Jurisdiction, in the severall seasons of the year, to make use of any of our harbours, & such lands as are neere adjoining, for the drying of their fish, or other needfull occasions, as also to have such timber & fire-wood, as they shall have necessary use of, for their fishing seasons, where it may be spared, so as they make due satisfaction for the same to such Town or proprietor. [1646]

2 Whereas much damage hath arisen to merchant trading hence by bad making of fish, & the credit of our trade therein hath much suffered, It is therefore ordered, That at every fishing place, within this Jurisdiction some discreet and honest person be appointed by the County Court, unto which such fishing place doth belong, and those persons so nominated & appointed, are by this Court impowred, to give Oath unto such persons as shall be chosen by the deliverers and receivers of any fish, who have liberty hereby, either of them, to choose one or more sufficient knowing men, in such cases, to view what fish is delivered and received, which viewers shall be sworn as aforesaid, and what they approve of, as Merchantable, the receiver shall accept, and what is refuse fish, shall be cast by, & the said viewers for their labour & paines aforesaid, shall be allowed one penny per quintall for so much Merchantable fish, as he or they shall view, to be paid one halfe by the deliverer & the other halfe by the receiver, and for further direction to the viewers in the view of fish, it is hereby Ordered, That all sun-burnt, salt-burnt and dry fish, that hath been first pickled shall be judged unmerchantable.

It is

Forgery.

IT is Ordered by this Court and the Authority thereof, That if any person shall Forge any Deed or Conveyance, Testament, Bond, Bill, Release, Acquittance, letter of Attorney, or any writing to pervert equity and justice, he shall stand in the Pillory, three severall Lecture dayes, and render double damages to the party wronged, and also be disabled to give any evidence or verdict, to any Court or Magistrate. [1646]

Fornication.

IT is Ordered by this Court and Authority thereof, That if any man commit Fornication, with any single woman, they shall be punished, either by enjoying marriage, or fine, or corporal punishment, or all or any of these, as the Judges of the Court that hath Cognizance of the cause shall appoint. [1642]

Freemen non-freemen.

TO the end the body of the freemen may be preserved of honest and good men, It is Ordered. That henceforth no man shall be admitted to the freedom of this Common-wealth, but such as are members of some of the Churches, within the limits of this Jurisdiction; And whereas many members of Churches to exempt themselves from Publike service, will not come in to be made freemen, It is Ordered, That no members of Churches within this Jurisdiction, shall be exempt from any publick service, they shall be chosen to, by the Inhabitants of the severall Townes, as Constables, Jurors, Select men, surveiors of the High-ways: And if any such person shall refuse to serve in, or take upon him any such Office, being Legally chosen therunto, he shall pay for every such refusal, such fine, as the Town shall impose not exceeding Twenty shillings for one Offence. [1647]

Gaming & dauncing.

UPON Complaint of the disorders, by the use of the Games of shuffle-board and Bowling, in and about houses of common entertainment, whereby much precious time is spent unprofitably, & much wast of wine and beer occasioned; It is Ordered by this Court and the Authority thereof, That no Person shall henceforth, use the said Games of shuffle-board, or bowling, or any other play or game, in, or about any such house, nor in any other house used as Common for such purpose, upon paine for every keeper of such house, to forfeit for every such Offence Twenty Shillings; & every person Playing at the sayd Games &c: in or about any such house shall forfeit for every such Offence Five Shillings. Nor shall any person at any time, play or Game for any money, or money worth, upon penalty of forfeiting treble the Value thereof, one halfe to the party informing and the other halfe to the Treasury, nor shall any person be an Abetter to any kind of gaming on the like penalty. Nor shall there be any dauncing in ordinaries upon any occasion, on the penalty of five shillings for every person that shall offend: and any Magistrate may hear & determine any offence against this Law. [1646, 47, 51.]

For preventing disorders arising in several places within this Jurisdiction; by reason of some still observing such feasts, as were superstitiously kept in other Countreys, to the Great dishonour of God and Offence of others It is therefore Ordered by this Court and the Authority thereof. That whosoever shall be found observing any such day, as Christmas or the like, either by forbearing labour, feasting, or any other way upon any such account as aforelaid, every such person so offending, shall pay for every such Offence Five shillings, as a fine to the County. And whereas not onely at such times but severall other times also, it is a Custome too frequent in many places to expend time in unlawfull Games, as Cards, Dice &c: It is therefore further Ordered and by this Court declared. That after publication hereof whosoever shall be found in any place within this Jurisdiction playing either at cards or at dice, Contrary to this Order shall pay as a fine to the County the sum of Five Shillings for every such Offence.

E

Although

L.2.P.8.
None but Church-members to bee freemen

L.1.p.23

L.2.P.8.
No gaming in Ordinaries

No gaming for money

No dauncing in Ordinaries

A.51.p.3

Penalty for keeping christmas

Penalty for playing at Cards & dice

Heresie Error.

Errors

L. 1 P. 2.

An Baptists

Obstinere to
be banished.A. 57. P. 7
8.Denying the
Scripture to
be the Word
of God.

Penalty

Although no humane Power, be Lord over the Faith & Consciences of men, yet because such as bring in damnable Heresies, tending to the subversion of the Christian Faith & destructions of the soules of men, ought duly to be restrained, from such notorious impieties. It is therefore Ordered and declared by the Court. That if any

Christian within this Jurisdiction, shall go about to subvert and destroy the Christian Faith and Religion, by broaching and maintaining any Damnable Heresies: as denying the immortality of the soule, or resurrection of the body, or any sin to be repented of in the regenerate, or any evil done by the outward man to be accounted sin, or denying that Christ gave himselfe a ransom for our sins, or shall affirm that we are not justified by his death and righteousness, but by the perfections of our own works, or shall deny the morallity of the Fourth Commandment, or shall openly Condemn or oppose the Baptizing of Infants, or shall purposely depart the Congregation. at the administration of that Ordinance, or shall deny the ordinance of Magistracy, or their Lawfull Authority to make war, or to punish the outward breaches of the first Table, or shall endeavour to seduce others to any of the errors or heresies above mentioned, every such person continuing obstinate therein, after due means of Conviction, shall be sentenced to Banishment. [1646, 44]

2 The holy Scriptures of the Old and New Testament, being written by the Prophets, Apostles, and holy Men of God, inspired by the holy Ghost, containing in them, the infallible & whole will of God, which he Purposed to make known to Mankind, both for his own worship & service & also for the instruction, Obedience, Faith & salvation, of Man, which yet by Hereticks in former ages, & now of late have been oppugned and denied so to be, which tends to the overthrow of all true Religion and salvation, for the prevention of so heinous a crime. It is Ordered by this Court and the Authority thereof. That what person or persons soever professing the

Christian religion, above the age of Sixteen yeares, that shall within this Jurisdiction, Wittingly and Willingly, at any time after the publication of this Order, deny either by word or writing, any of the Books of the Old Testament, as Genesis, Exodus, Leviticus, Numbers, Deuteronomy, Joshua, Judges, Ruth, Samuel, Samuel, Kings Kings, Chronicles, Corinthians, Ezra, Nehemiah, Esther, Job, Psalms, Proverbs, Ecclesiastes, Canticles, Isaiah, Jeremiah, Lamentations, Ezekiel, Daniel, Hosea, Joel, Amos, Obadiah, Jonah, Micah, Nahum, Habakkuk, Zephaniah, Haggai, Zachariah, Malachi. Or New, as Matthew, Mark, Luke, John, Acts, Romans, Corinthians, Corinthians, Galatians, Ephesians, Philippians, Colossians, Thessalonians, Thessalonians, Timothy, Timothy, Titus, Philemon, Hebrews, James, Peter, Peter, John, John, John, Jude & Revelation. To be the written & infallible

Word of GOD, or if any person as afore sayd, belonging to this Jurisdiction shall Commit the sayd crime upon the Sea, not being or belonging to the Jurisdiction, of any other Common wealth, shall be forthwith apprehended, by the next Officer or Officers whether Marshall or Constable or their Deputy, who shall have power so to doe by warrant from any one of the Magistrates, & shall be Committed to the prison at Boston. without Bayle or maine prize, there to be safely kept till the next County Court, where upon sufficient Testimony brought against the said delinquent he shall be adjudged for his offence, after Legal Conviction, to pay such a fine as the Court which shall have Cognizance of the Crime shall judge fit, not exceeding the Sum of Fifty Pounds, or shall be openly & severely whipt, by the executioner, whether Constable or any other appointed, not exceeding forty strokes, unless he shall publicly recant before his sentence, which if he doe, he shall not pay above the fine of Ten pound, to the Treasurer for the use of the Commonwealth. or be whipt in case he pay not the fine. And it is further Ordered & enacted, That if the sayd offender after his recantation, sentence or execution, shall the second time publish, & obstinately and pertinaciously maintain the sayd wicked opinion, he shall be Banished or put to death as the Court shall judge. [1651]

3 It is

3. It is Ordered, that all and every of the Inhabitants of this Jurisdiction, that have any of the bookes in their Custody that goe under the names of *John Reeves, & Ludowick Muggleton* (who pretend themselves to be the two last witnesses, and 'Prophets of Jesus Christ') which are full of blasphemies, and shall not bring or send in all such bookes in their Custody, to the next Magistrate, shall forfeit the Sum of *ten pounas*, for every such book found in his hand, the one half to the Informer the other half to the Country. And as many of the sayd bookes as are, or shall be in Custody shall be burnt in the Market place at Bolton, on the next Lecture day by the common executioner.

4. Whereas there is a Cursed sect of hereticks, lately risen up in the world, which are commonly called *Quakers*, who take upon them to be immediately sent of God, and infallibly assisted by the Spirit, to speake and write blasphemous opinions despising government, and the order of God in Church & commonwealth, speaking evil of dignities, reproaching and reviling Magistrates and Ministers, seeking to turn the people from the faith, and gaine proselytes to their pernicious wayes. The Court considering the premisses, and to prevent the like mischiefe, as by their meanes is wrought in our native land; Doth hereby Order, And by the Authority of this Court be it Ordered & Enacted, That no Master or Commander of any Ship, Barke, Pinnace, Cate, or other Vessel, shall henceforth bring into any harbour, Creek or Cove, within this Jurisdiction, any known *Quaker* or *Quakers*; or any other blasphemous hereticks as aforesayd, upon the penalty of the forfeiture of *one hundred pounas*, to be forthwith payd to the Treasurer of the Country, except it appeareth that such Master, wanted true notice or information that they were such, and in that case he may cleare himself by his Oath, when sufficient proove to the contrary is wanting. And for default of payment of the sayd fine of *one hundred pounas*, or good security for the same, such Master shall be committed to prison, by warrant from any Magistrate, there to continue till the sayd fine be satisfied to the Treasurer as aforesayd. And the Master or Commander of any such ship or vessel, that shall bring them being legally convicted, shall give in sufficient security to the Governour or any one or more of the Magistrates to carry them backe to the place, whence he brought them, and on his refusall so to doe, the Governour, or the said Magistrate or Magistrates, shall commit such Master or Commander to prison, there to continue till he shall give in sufficient security to the Content of the Governour or sayd Magistrates. And if any person or persons within this Jurisdiction, shall henceforth entertaine & conceale any such *Quaker* or *Quakers* or other *Blasphemous hereticks* (knowing them to be such) every such person shall forfeit to the Countrey, *Forty shillings* for every houres entertainment and concealment of any *Quaker* or *Quakers*, &c: as aforesayd, and shall be Committed to prison as aforesayd, till the fines be fully satisfied and payd.

And every person or persons, that shall *incourage* or *defend* any of their pernicious wayes by speaking, writing, or meeting on the Lords day, or at any other time, shall after due meanes of conviction, incur the penalty ensuing: every person so meeting, shall pay to the use of the Country, for every time ten shillings, & every one speaking in such meeting, shall forfeit five pounas.

6. If any person shall knowingly import into any harbour of this Jurisdiction, any *Quakers Book*, or *Writings*, concerning their damnable opinions, he shall forfeit for every such book or writing *Five Pounas*, and whosoever shall disperse or conceale any such book or writing, and it be found with him or her, or in his or her house, & shall not immediately deliver the same to the next Magistrate, shall forfeit and pay *Five Pounas* for dispersing or Concealing every such Book or writing.

A. 54 p. 7.

Muggletons books to be delivered in to some Magistrate

To be burnt

A. 56: 2:

13.

Quakers.

Not to be brought into this Jurisdiction by any Master of Ship. On penalty of 100 poud

Masters that bring in quakers must carry them back

A. 57. P.

26.

entertaining Quakers pen. 40 sh. a hour

A. 58.

Incouragers of Quakers that penant.

Dispersing Quakers book

penalt. 5 li.

Reviling of
Magistrates or
Ministers.

A. 53. f.
19.

Subscribers
of Entries.

A. 58.

Quakers to
be Apprehended

Imprisoned.

Banished on
paine of death

Qualificatio
of Quakers

Quakers vo-
luntarily de-
part may not
return without
licence.

One Magis-
trate may commit
to prison.

7 And every person or persons whatsoever, that shall revile the office or person of Magistrates or Ministers, as is usually with the Quakers, such Person or Person shall be Severely Whipt, or pay the Summ of Five Pounds.

8. And every person that shall publish and maintaine, any Heterodox or erroneous Doctrine shall be liable to be questioned and Censured by the County Court where he liveth, according to the merit of his offence.

9. Whereas there is a pernicious Sect commonly called Quakers lately arisen, who by word and writing, have published and maintained many dangerous and horrid tenents, and do take upon them to change & alter the received humane customs of our nation in giving Civil respect to equals, or reverence to Superiours, whose actions tend to undermine the Authority of Civil Government, as also to destroy the Order of the churches, by denying all established formes of worship, and by withdrawing from the orderly church assemblies, allowed & approved, by all Orthodox professors of the truth; and instead thereof & opposition therunto, frequenting private meetings of their own, Insinuating themselves into the minds of the Simple, or such as are less affected to the Order & Government of the Church and Commonwealth, whereby divers of our Inhabitants have been infected and seduced, notwithstanding all former Lawes made, upon experience of their arrogant bold obtrusions, to disseminate their principles amongst us, prohibiting their coming into this Jurisdiction, they have not been deterred from the v. impetuous attempts, to undermine our peace, and foster our ruine. For prevention thereof this Court doth Order and Enact, That every person or persons of the Curst sect of the Quakers, who is not an Inhabitant of, but found within this Jurisdiction shall be apprehended (without warrant, where no Magistrate is at hand) by any Constable Commissioner or Select Man, and conveyed from Constable to Constable untill they come before the next Magistrate who shall Commit the sayd person or persons to close Prison, there to remaine without Baile, untill the next Court of Assistants where they shall have a Legall tryall, by a speciall jury, and being convicted to be of the sect of the Quakers, shall be sentenced to banishment upon paine of Death.

And that every Inhabitant of this Jurisdiction being convicted to be of the aforesayd sect, either by taking up, publishing and defending, the horrid opinions of the Quakers, or by stirring up mutinie, Sedition or Rebellion, against the Government, or by taking up their absurd & destructive practises, viz denying Civil respect and reverence to equals and Superiours, withdrawing from our Church assemblies, & instead thereof frequenting private meetings of their own, in opposition to Church Order, or by adhering to, or approving of any known Quakers, that are opposite to the Orthodox received opinions & practises of the godly, & endeavoring to disaffect others to Civil Government, and Church order, and Condemning the practise and proceedings of this Court against the Quaker, manifesting thereby cōpliance with those, whose design is to overthrow the Order established in Church and Common wealth, every such person upon examination and legall conviction before the Court of Assistants in manner as aforesayd shall be committed to close prison, for one Month, and then unless they choose voluntarily to depart the Jurisdiction, shall give bond for their good abbearence and appearance at the next Court of Assistants where Continuing obstinate, and refusing to retract & reform the aforesaid opinions & practises shall be sentenced to Banishment, upon paine of Death, and in case of the aforesaid voluntary departure not to remaine; or againe to returne into this Jurisdiction without the allowance of the major part of the Councell first had and published, on penalty of being Banished upon paine of Death, and any one Magistrate, upon information given him, of any such person shall cause them to be apprehended, and if upon examination of the case he shall according to his best discretion find just ground for such complaint, he shall commit such person to prison, untill he comes to his tryall as is above expressed.

[1646]

Whereas

Hides and Skins.

V Hereas some persons, more seeking their own private advantage, then the good of the Publick, do transport raw hides & pelts, It is Ordered that henceforth no person shall deliver aboard any ship or other vessel, directly or indirectly, any raw hide, skin, pelt or leather unwrought, with intent to have the same transported out of this Jurisdiction, upon paine to forfeit the same, or value thereof. And that no Master of any Ship or Vessel shall receive any raw hide, skin, pelt or leather unwrought, directly or indirectly aboard his Ship or Vessel to be so transported upon the like penalty. Provided that any person, stranger or other, may transport any hides or skins, brought hither from beyond the Seas by way of Merchandise, or the skins of Beaver, Moose, Beare, & Otter. [1646]

Raw hides
not to be
transported

2. Upon information of the neglect of many persons, in not saving such Hides or skins, as either by casualty or Slaughter come to hand, whereby damage redounds to the Country. It is Ordered, that every hide or Skin, shall carefully be dried, before it corrupt, and that such hides or skins, shall be sent where they may be tanned or dressed, and whosoever shall neglect to do as aforesayd, shall forfeit for every such hide five shillings, & for every skin of Calves or small Cattle twelve pence. [1640, 41]

L.2. p.8.

Hides & skins
to be preserv-
ed.*High-ways.*

T O the end there may be convenient High-ways for Travellers. It is Ordered by the Authority of this Court. That all Country High-ways shall be such as may be most easy and safe for travellers, to which purpose, every Town (where any such high-way is made, or to be made) shall appoint two or three men of the next Town, whose Inhabitants have most occasions thereof, chosen & appointed by their sayd Town, who shall from time to time lay out all Common High-ways, where they may be most convenient, notwithstanding any mans properties (So as it occasion not the pulling down of any mans house, or laying open any Garden or Orchard, who in common Grounds, or where the soyl is wet, Myrie or very rocky, shall lay out such High-ways the wider viz. six, eight, ten, or more rods. Provided that if any man be thereby damaged in his improved ground the town shall make him reasonable satisfaction, by estimation of those that layd out the same: & if such persons deputed cannot agree it shall be referred unto the County Court of the shire, who shall have power to hear and determine the case, and if any Person find him selfe justly greived, with any act or thing, done by the persons deputed aforesaid he may appeal to the County Court aforesayd, but if he be found to complaine without cause, he shall surely pay all charges of the parties, & the Court during that action, and also be fined to the Country, as the Court shall adjudg. [1639]

By whom to
be laidSatisfaction
to be given
proprietor

2. It is Ordered and declared by this Court, that the Select Townes-men of every town, have power to lay out (by themselves or others) Particular & private wayes concerning their own town, only so as no damage be done to any man. without due Reconpence, to be given by the judgment of the sayd Select men, and one or two chosen by the sayd Select men, and one or two chosen by the party, and if any person shall find him selfe justly greived, he may appeal to the next County Court of that shire, who shall do justice therein as in other Cases [1642]

Private ways
in Townes

3. Upon information that divers High-ways are much annoyed and incumbered by gates and railes erected upon them, It is Ordered by the Authority of this Court. That upon any information or Complaint made to any County Court, or to any Magistrate of any such gates or railes erected or to be erected, upon any Common Highway, the said Court or Magistrate shall appoint a Committee of discreet & indifferent men to view such incumbrance, and to Order the reformation thereof. And if the parties whom it shall concern, shall not submit to such Orders, they shall require them to appear at the next Court of that shire, and also shall certify the incumbrance found, and Order by them made, under their hands unto the sayd Court or appear in person to prosecute the cause where it shall be heard and determined to the

Incumbrance
in High-ways
to be remov-
ed

ease and conveniency of travellers, with due respect to the proprietors cost & damage, but no person shall stand charged with the repaire of common high-ways through his own ground. [1647]

Horses Mares

L:2:p:11

Horses to be transported are to be entered in a book.

Penalties

No horses to be sold to Indians.

Constable to take notice of the persons.

Forbidden to enter our Jurisdiction

To be banished

IT is Ordered by this Court and Authority thereof. That no Master or Commander of any Ship or Bark. shall receive on board his Ship or Vessel, any Horse Gelding or Mare, but such as shall be entered into a book, with the Coulor, particular marks and age, (as near as may be known) and person of whom such Horse was last bought; and proof by wimes or Oath, that he was the true owner thereof, to be kept by the Clerks of the writs in all their Townes, who are hereby authorized to view all such as shall be Shipped, and for every Horse so entered there shall be paid to the said Officers, by the owner or Merchant of such Horse, six pence a peice, And every Commander or Master of any Vessel, who shall take on board, any other Horse or Mare, except such as he shall receive a note under the hand of the said Clerke & be entered as aforesaid, shall for every such Offence forfeit the Summ of Forty Shillings to the informer, and Forty Shillings to the Treasury. [1649]

It is Ordered that no person, shall under any pretence sell or any way dispose any Horse Mare or Colt, to any Indian, upon the Penalty of one Hundred Pounds. [1655.]

Idleness.

IT is Ordered that no person, Householder or other, shall spend his time, idly or unprofitably, under paine of such punishment, as the County Court shall think meet to inflict. And the Constables of every Towne are required to use speciall care to take notice of offenders in this kind, especially of common Coasters, unprofitable Foulers, and Tobacco takers, and Present the same to the next Magistrate, who is hereby impowred to Hear and Determine the Cause, or transfer it to the next Court [1833.]

Jesuites.

THIS Court taking into Consideration the great wars, Combustions and divisions which are this Day in Europe, and that the same are observed to be raised and fomented chiefly by the Secret underminings, and solicitations, of those of the Jesuiticall Order, men brought up & devoted to the religion and Court of Rome, which hath occasioned divers states to expell them their Territories, for prevention whereof among our selves.

It is Ordered and enacted by Authority of this Court, That no Jesuit or spiritual or Ecclesiastical person (as they are termed) ordained by the Authority of the Pope, or See of Rome, shall henceforth at any time repaire to, or come within this Jurisdiction: And if any person shall give just cause of suspicion, that he is one of such society or Order, he shall be brought before some of the Magistrates, and if he cannot free himselfe of such suspicion, he shall be Committed to prison or bound over to the next Court of Assistants, to be tryed and proceeded with, by Banishment or otherwise, as the Court shall see cause, and if any person so Banished, be taken the Second time within this Jurisdiction, upon Lawfull tryall & Conviction, he shall be put to death. Provided this Law shall not extend to any such Jesuit, spiritual or Ecclesiastical person, as shall be cast up & our shores by ship-wreck or other accident, so as he continue no longer then till he may have opportunity of passage for his departure, nor to any such as shall come in Company with any Messenger hither upon publick occasions, or Merchant or Master of any Ship belonging to any place not in enmity with the State of England, or our selves, so as they depart againe with the same Messenger, Master or Merchant, & behave themselves inoffensively during their abode here [3047]

Imposts.

FOR the support of the Government and Maintenance of fortification, for the protecting and safeguarding our Harbours, for our selves and others, that come to trade with us.

with us. It is Ordered by this Court and the Authority thereof. That every person, Merchant, Seaman or other, that bring wines or strong waters into any of our Harbours, in any ships or vessels whatsoever (except they come directly from England as their first port: before they land any of the said wines or strong waters more or less, shall first make entry of as many Butts, Pipes or other Vessels, as they or any of them shall put on shore, by a note under their hands, delivered to the officer that is to receive the Customes, at his house, upon paine of forfeiture & confiscation of all such wines, and strong waters as are landed, before such entry made, wheresoever found, the one halfe to the Country the other halfe to the Officer, & the Merchant or owner of such wines, of any kind, or strong waters, as soon as he lands them, shall deliver and pay unto the sayd Officer, what is due for Custom of them according to this Order, in wine or strongwater according to the proportion of the goodness, or the parcel that is brought in, as the Officer and owner can agree, to the contentment and satisfaction, of the sayd Officer, but if they cannot agree, the Treasurer, for the time being shall determine the price thereof. And it is further Ordered that the Chief Officer or Customer shall have under him a deputie or deputies, who shall be as Sea Officers or waiters in severall places, to take up such wines or strong waters by Order of the sayd Chief Officer, and to take notice of what is landed in any place, of this Jurisdiction. that the Country be not defrauded, who shall have due recompence, as the Chief Officer shall agree with them, and all wines shall pay Customs according to the rates following. Every Butt or Pipe of Fyall wines or any other wines of the Western Islands *Five shillings*, Every Pipe of Madera wine *Six shillings eight pence*, Every Butt or Pipe of Sherry Sack, Malaga or Canary wines *Ten shillings*, Muscadels, Malmies and other wines from the streights, *Ten shillings*, Bastards, Tents, and Alligants, *Ten shillings*, and proportionably for greater or lesser Vessels of each kind, every hoghead of french wines *Two shillings Six pence*, And every hoghead of strong waters, *Ten shillings*, and proportionably for greater or lesser quantities.

2 And for the better recovering any such Customes of wines and strong waters or forfeitures, for not entering according to this Order. It is Ordered, that the said Officer or his Deputy, hath hereby power, and is required to go into all houses or cellars, where he knoweth, or suspecteth any wine or strong-waters to be, and shall seize all such wines and strong-waters, as are not entered, according to this Order, and also seize and take possession of, so much wines & strong-waters, as shall make payment for what custom is due, according to entrees made, and is refused or neglected to be paid in due manner according to this Order. And all Constables & other officers are hereby required to assist & ayd the officer, in the discharge of his duty, and helping to breake open such houses or Cellars, if the owners of such wines or strong waters shall refuse to open their doores, or deliver their keyes in a peaceable manner. And any Smith, Carter, owner of boate, Porter or other, that shall be required by the officer to help and assist, in taking, loading and transporting such wines for the use of the Country, and shall refuse or neglect such service, for due hire, shall forfeit to the common Treasury, *ten shillings* for such default, to be levied by the Constable, by warrant from any one Magistrate. And all debts due unto the Country for custom of wines or strong-waters, where wines or strong-waters are not to be found, they shall be recoverable in a way of Action, according to the course of Law in other cases.

3 And it is further Ordered, That besides the customs of wines or strong waters aforesaid, all Merchants, or Masters of strangers Ships, which shall arrive with Merchandize, in any of our harbours of Boston or Charlestown, and shall make sale thereof, or of the greater part of the same, shall pay by way of Custom or Impofition, after the Rate of *six pence per Tun*, for every Ship, to be paid out of the said Merchandize, And the Master of every such Ship, shall also pay *ten shillings* towards

A. 53. P. 196

Wines to be entered before landed

Custom to be paid upon the landing

Customers Deputy

Rate of the Customs of wine

Customers power and duty

Constables to assist the Officer

Constables & others to assist Customers

On penalty of 10 s.

L. 2. P. 9

Six pence per Tun to be paid on every Ship

For a ship of
200 tun 10th
For lesser
ships 6 s 8 d

L. 1. P. 9.

Labourers
pressed for
any publick
work

Persons free
for defects

Cattle and o-
ther goods
dammied in
Country
service to be
made good

Who Bayl-
able.

A. 52. P.
16.

Indians title
to Land

Civil Indian
to have plan-
tation granted
them

towards the maintenance of our Fortifications, for the defence of our sayd Harbours. Provided no English ship, or other ship or Vessel, freight in England, by any English man arriving in our sayd Harbours, nor any Vessel of our Confederates, or any other parts where our ships are free of Customs, imposts & taxes, shall pay the sayd Customs of Six pence per tun, but only towards the maintenance of the sayd fortifications, Ten shillings for every ship above the burden of two Hundred tun, & Six shillings eight pence, for all other Vessels and ships under that burden. [1645]

Impresses.

IT is Ordered by this Court and the Authority thereof, That in all publick works of this Common wealth, one magistrate, and the overseer of the work, shall have power to lend their warrants, to the Constables of the next Townes, to send so many labourers, and artificers, as the warrant shall direct, which the Constable and two other or more of the freemen, which he shall choose, shall forthwith execute, for which service, such Magistrate & overseer aforesaid, shall have power to give such wages, as they shall judge the work to deserve. Provided that for any ordinary work, no man shall be compelled to work from home, above one week together.

2. It is also Ordered, That no man shall be compelled, to any publick work or service, unless the prels be grounded upon some act of the Generall Court, and have reasonable allowance for the same, nor shall any man be compelled in Person, to any Office, work, warrs, or other publick service, that is necessarily & sufficiently exempted, by any naturall or personal impediment, as by want of yeares, greatnes of yeares, defect of mind, failing of senses, or impotency of limbs nor shall any man be compelled to goe out of this jurisdiction upon any Offensive warrs, whith this Common wealth, or any of our friends or Confederates; shall voluntarily undertake, but onely upon such vindictive & defensive wars, in our own behalf, or the behalf of our friends and Confederates, as shall be enterprized by the Counsell and consent of a Generall Court, or by Authority derived from the same. Nor shall any mans cattle, or goods of what kind soever, be pressed, or taken for any publick use or service, unless it be by warrant, grounded upon some Act of the General Court, nor without such reasonable prices and hire, as the ordinary Rates of the Country do afford, and if his cattle or goods shall perish, or suffer damage in such service the owner shall be sufficiently recompenced. [1641]

Imprisonment.

IT is Ordered, and by this Court declared, That no mans person shall be restrained or imprisoned, by any Authority whatsoever, before the Law hath sentenced him thereto if he can put in sufficient security, Baile or mainprize, for his appearance and good behaviour in the mean time, unless it be in Crimes Capital, and Contempt in Open Court, and in such Cases where such express Act of Court doth allow it. [1641]

Indians.

FOR settling the Indians title to Lands, in this Jurisdiction. It is declared & Ordered by this Court and Authority thereof. That what Lands any of the Indians in this Jurisdiction, have Possessed and improved by subduing the same, they have just right unto, according to that in Genesis, 1, 28. and Chap: 9, 1 and Plal, 115, 10. And for the further encouragement of the hopeful work amongst them, for the Civilizing, and helping them forward to Christianity, If any of the Indians shall be brought to Civility, and shall come among the English to Inhabit in any of their plantations and shall there live, Civilly and Orderly, that such Indians shall have allotments amongst the English, according to the Custom of the English in like case, Further it is Ordered that if upon good experience, there shall be a Competent number of the Indians brought on to Civility, so as to be Capable of a Township, upon their request to the Generall Court, they shall have grant of Lands undisposed

undisposed of, for a plantation as the English have; And further it is Ordered by this Court that if any plantation or person of the English, shall offer injuriously to put any of the Indians from their planting grounds or fishing places, upon their Complaint and proof thereof, they shall have redress, in any of the Courts of justice amongst the English, as the English have; And further it is Ordered by this Court, and the Authority thereof, and be it hereby Enacted that all the tract of Land within this Jurisdiction, whether already granted to any English plantations or persons, or to be granted by this Court, (not being under the qualification of right to the Indians,) is and shall be accounted, the just right of such English as already have or hereafter shall have grant of lands from this Court, & the Authority thereof from that of *Genesis*. 1.28. and the Invitation of the Indians.

2 And it is Ordered, That no person whatsoever, shall henceforth buy Land of any Indian without Licence first had and obtained of the Generall Court, and if any offend herein, such Land, so bought shall be forfeited to the Country.

Nor shall any person, sell give or barter, directly or indirectly, any Gun or Guns, Powder, Bullets, shot, Lead, to any Indian whatsoever, or to any person Inhabiting out of this Jurisdiction, nor shall amend or repaire any Gun, belonging to any Indian, nor shall sell any Armour or Weapons, upon penalty of *ten pounds*, for every Gun, Armour or Weapons so sold, given or bartered, *five pounds* for every pound of powder, forty shillings for every pound of shot or lead, and proportionably for any greater or lesser quantity. [1633. 37.]

3. *Whereas the French and Dutch and other Forreine nations do ordinarily trade Guns, powder, shot &c. with Indians, to our great prejudice, & strengthening and animating the Indians against us; And the afore said French, Dutch &c. doe prohibit all trade with the Indians, within their respective Jurisdictions under penalty of confiscation &c.* It is therefore Ordered. That it shall not be Lawfull, for any Frenchman, Dutchman, or any person of any other Forreine nation whatsoever, or any English dwelling amongst them, or under them, or any of them, to trade with any Indian or Indians, within the limits of our Jurisdiction, directly or indirectly, by themselves or others under penalty of confiscation of all such goods & Vessels as shall be found so trading, or the due value thereof, upon just proof, of any goods or Vessels so trading or traded; And it shall be lawfull for any person or persons Inhabiting within this Jurisdiction, to make seizure of any such goods or Vessels trading with the Indians, one half whereof, shall be for the proper use & benefit of the party seizing, and the other halfe to the Country.

4. *And because the trade of furs with the Indians, in this Jurisdiction, doth properly belong to this Common-wealth, and not unto particular persons;* It is therefore Ordered that henceforth no person or persons, directly or indirectly, shall trade with the Indians for any sort of peltry, excepting onely such as are Authorized by this Court or by such Committee as this Court shall appoint from time to time, under the penalty of one hundred pounds fine, for every offence, *ten pounds* whereof shall be to the informer, the rest to the Country.

5. *Whereas, severall Orders, for the preventing of Drunkenes amongst the Indians, have been made, yet notwithstanding there is little or no reformation. For the prevention thereof, and the frequent effects thereof, Murder and other outrages amongst them.* This Court doth Order, That no person of what quality or condition soever, shall henceforth sell, truck, barter, or give any strong liquors to any Indian directly or indirectly, whether known by the name of Rumm, strong-Waters, Wine, Strong-Beer, Brandy, Cider, Perry, or any other Strong Liquors, going under any other name whatsoever under the penalty of *forty shillings* for one pint, and so proportionably for greater or lesser quantities so sold, bartered or given directly or indirectly as above said. And for the better execution of this Order, all trucking houses erected (not allowed by this Court) shall be forthwith demolished:

Indians not
to be disposed
of.

L.1. p.28

None to buy
Land of Indi:

No arms or
ammunition to
be traded w
the Indians.

L.2. p.35

Forreigners
prohibited
trade w our
Indians.

A.57. p.
22.

None to trad
furs w Ind:
without Li-
cence under
penal. 100 li

A.57. p.
23.

Strong liqu.
prohib. to be
sold or given
to Indian on
penalty of
40 ls. per pint

And for

And for the better effecting of this Order. It is declared that one third part of the penalty, shall be granted to the informer; It is also Ordered, that special care shall be had by the Grand-jury of every Shire Court, to inquire and present to the Court what they find, to discover matter tending to the hap. actise, against the true intent of this Law; And all other Orders giving liberty to sell strong Liquors, to the Indians, are hereby repealed, and all Licences formerly granted, are hereby disabled and called in, Provided alwayes, that it is not intended that this Law shall extend to relieve any person, from any that table act in relieving any Indian (*Indians*) in case of suddaine extremity, by sickness or fainting, which call for such help, not exceeding one dram, or when any Physician shall prescribe in way of Physick any of the particulars before mentioned, to as upon sight of his direction in writing there be allowance had, under the hand of one Magistrate or where no Magistrates in the Towne residing, being under the hands of the town Commissioners or two of them. [1657]

Except in
case of sick-
ness &c.

A:36p:18

No boats to
be sold to
Indians

L:1:p:28

Damag done
to Indians
there com-
to be satis-
fied.

help Indians
fence their
ground.

Indians to
pay for hurt
done to cat-
tle.

Laws to be
published to
the Indians.

6. *The Court.* Considering the necessity of Restraining the Indians, from what-
ever may be a means to disturb our peace, and quiet. Doth Order. That
henceforth no person or persons Inhabiting within this Jurisdiction, shall directly or
indirectly, any wayes give, sell, Barter, or otherwise dispose of any Boat, Skiff, or
any greater Vessel unto any Indian or Indians whatsoever, under the penalty of
fifty pounds to be paid to the Country Treasurer for every such Vessel so sold or dis-
posed as aforesaid. [1656]

7. It is Ordered by this Court. That in all places within this Jurisdiction,
the English shall keep their Cattle, from destroying the Indians Cattle, in any
ground where they have right to plant, and if any of their Cattle be destroyed for
want of fencing or treading; the Town shall make satisfaction, & shall have power
among themselves, to lay the charge, where the occasion of the damage did ar-
ise. Provided that the Indians shall make proof, that the Cattle of such a town,
Farme, or person did the damage; And for encouragement of the Indians,
towards the fencing in of their Corn fields; Such Towns, Farmes, or Persons,
whose Cattle may annoy them that way shall direct, assist, and help them in felling
of Trees, riving & sharpening railes, and boling of posts; Allowing one Englishman
to three or more Indians; And shall also draw the fencing into place for them,
and allow one man a day or two, towards the setting up the fence, and either lend or
sell them tooles to finish it; Provided that such Indians to whom the Country, or
any Towne have given, or shall give ground to plant upon, or shall purchase ground
of the English, shall fence such their Corn fields, or ground at their own charge as
the English doe, or should doe; And if any Indian refuse to fence their Corn
ground, being assisted help as aforesaid, in the presence and hearing of sufficient
witnesses, they shall keep off all Cattle, or loose their damages. And it is also
Ordered that if any harm be done at any time by the Indians unto the English in
their Cattle, the Governour or Deputy Governour with two of the Assistants, or
any three Magistrate, or any County Court, may Order satisfaction, according to law
and justice. [1640 48.]

8. *Whereas one end in planting these parts was to propagate the true Religion unto
the Indians, and that divers of them are become subject to the English & have engaged
themselves to be willing and ready to understand the Law of God.* It is therefore
Ordered. That such necessary and wholesome Lawes which are in force and may
be made from time to time, to Reduce them to Civility of life, shall be once a year
(if the times be safe) made known to them, by such fit persons as the Generall
Court shall appoint.

For

9 For the better Ordering and Governing the Indians subject to us, especially those of Natick and Punguepaog. It is Ordered that Major Atherton doe take care that all such Indians doe live according to our Lawes, as far as they are capable, & to that end the said Major is hereby Authorized to constitute & appoint Indian Commissioners in their severall Plantations, to hear and determine all such matters, that do arise amongst themselves as one Magistrate may doe, amongst the English, with Officers to execute all Commands and warrants, as Marshall & Constables. And further that the sayd Major with the said Commissioners shall have the power of a County Court to hear and determine all causes arising among them, the said Major appointing the time & place of the Court, and consenting to the determination or judgment, and all other matters beyond their Cognizance shall be issued & determined by the Court of Assistants.

10. And it is Ordered that no Indian shall at any time *Powaw* or performe outward worship to their *False Gods*, or to the *Devil*, in any part of our Jurisdiction, whether they be such as shall dwell here, or shall come hither, and if any shall transgreis this law the *Powawer* shall pay *five pounds*, the procurer *five pounds*, & every other countenancing by his presence or otherwise (being of age of discretion) *twenty shilling*, & every Town shall have power to restraints all Indians that shall come into their townes, from Prophaning the Lords day. [1633. 37, 40, 41, 42, 46, 48, 56, 57, 58.]

Inditements.

It is Ordered by this Court. That no Person shall be Indited, presented, informed against or Complained of, to any Court or Magistrate within this jurisdiction, for the breach of any penall law, or any other misdemeanor, the forfeiture whereof belongs to the Country, unless the said Inditement or Complaint be made and exhibited within one year after the Offence be Committed, and if any such Inditement, presentment, information or Complaint, be not made within the time limited, then the same shall be void and of none effect. Provided alwayes, this law shall not extend to any Capitall Offences, nor any Crimes that may concerne loss of member or Bannishment, or to any Treasonable Plotts or Conspiracies against the Common wealth, nor to any felonies about *ten shillings*, nor shall it hinder any person greived or any wrong done to him or his wife, children or servants, or estate real or personal but that every such person, shall have such remedies as formerly he might or ought to have. [1652]

Inkeepers, Ordinaries,
Tipling, Drunkenness.

FOR as much as there is a necessary use of houses of Common-entertainment, in every Common wealth and of such as retails wine, beer, and victuals, yet because there are so many abuses, both by persons entertaining, and by persons entertained, It is therefore Ordered by this Court and Authority thereof, That no person or persons shall at any time, under any pretence or Colour whatsoever, undertake to be a Common victualer, keeper of a Cooks shop, or house for Common entertainment Taverner or publick seller of wine, Ale, beer or strong-waters, by retails, (nor shall any sell wine privately in his house, or out of doores, by a less quantity then a quarter caske) without approbation of the Selected Townsmen, and License of the County Court, where they dwell, upon pain of forfeiture of *five pounds*, for every such offence; or imprisonment at the pleasure of the Court. Provided it shall be Lawfull for any whole-sale Merchant of wines, or the present Stillers of strong waters, being Masters of families, or such as receive the same from Forraigne parts, in cases &c: or makers of Cyder, to sell by retails; Provided the quantity of wine and cyder, be not less then three gallons at a time, to one person, nor strong waters less then a quart; and that it be only to masters of families of good and honest report, or persons going to Sea, and they suffer not any person to drink the same in their houses, cellars or yards.

F 2

And

A. 58.

Courts to be
kept among
Indians:Powaw
forbidden.Townes to
restrain Indi-
ans from pro-
phaning the
Sabbath:

A

A. 52. P.
10.Complaint
and present-
ments to be
made within
a year.Nonetokeep
Ordinaries
without Li-
cense:

A. 58.

Libereto sell
wine & strong
waters by re-
tails:

Ordinarys to
have signes.

L. 2. p. 3.

A. 51. p. 4.

A. 53. p.

19.

to be alway
provided of
strong beere
2 d. per quart.

L. 1. p. 30

Not to per-
mit any to be
drunke &c.

L. 2. p. 6.

Not to con-
ceale drunke

L. 1. p. 30

Drunkenes
tipling the
penalty.

L. 2. p. 6.

Drunkenes
abusing the
Constable to
be committed

Convented
before some
Magistrate
C. m. d. or
Select men.

L. 1. p. 30

Travellers
entertained
for a night.

And every Person so Licensed, for common entertainment, shall have some inoffensive Sign, obvious, for direction of Strangers, and such as have no such sign, after three months so Licensed, shall loose their licence, and others be allowed in their stead.

2. And every person Licensed to keep an Ordinary, shall allwayes be provided of strong wholesome Beer, of four bushels of Mault (at the least) to a hoghead, which he shall not sell at above two-pence the Ale-quart, upon penalty of *fourty shillings* for the first offence, and for the second offence to loose his Licence.

And it is permitted to any that will, to sell beer out of dores, at one penny the ale-quart, or under.

3. And no Licensed person as aforesaid, shall suffer any to be drunke, or to drinke excessively, viz: above halfe a pint of wine for one person, at a time, or to continue Tipling, above the space of halfe an hour, or at unreasonable times, or after nine of the Clock at night, in, or about any of their houses, on penalty of *five shillings* for every such Offence.

And if any person Licensed to sell wine or Beer as aforesayd, shall Conceale in his house any person that shall be found Drunken, and shall not forthwith procure a Constable to carry such Drunken person, before some Magistrate or Commissioner, and in the interim the said Vintner or drawer of beer, shall make stay of such persons, till the Constable shall come, under the penalty of *five Pennies*, for every default.

4. And every person found Drunken. viz: so as he be thereby bereaved or disabled in the use of his understanding, appearing in his speech or gesture, in any of the said houses or elsewhere, shall forfeit, *ten shillings*, and for excessive Drinking *three shillings four pence*, and for continuing above halfe an hour tipling, *two shillings six pence*, and for tipling at unreasonable times, or after nine of the clock at night, *five shillings* for every Offence in those particulars, being Lawfully convicted thereof, and for want of payment they shall be imprisoned till they pay, or be set in the Stocks one hour or more, (in some open place) as the weather will permit not exceeding three hours.

5. And if any person be found drunken, by night or by day, or shall in his drunkenness offer any abuse to the Constable or others, either by striking, or reviling him or them, or using any endeavours, by himselfe or others, to make an escape, it shall be in the power of the Constable, to commit such person or persons, to safe keeping or imprisonment, or take bond for his appearance, as he shall see cause; and the keepers of each prison, upon Warrant from any Magistrate, or Commissioner or Select men, shall receive all such as shall be so committed, and take but *twelve pence* for his fee in such cases: And the Constable shall inform the next Magistrate thereof, but if no Magistrate be in Town, he shall Convent such person or persons, before one or more of the Commissioners for ending small causes, and where no Commissioners are, before any one or more of the Select men of the Town, who have hereby power given them, to do as any one Magistrate may do in like case; Provided nevertheless, if any such delinquent, shall confess his fault, and pay his fine, & other Charges, the Constable shall receive it, and dismiss the offender, and every person hereby Authorized to receive the fines aforesaid, shall forthwith make return to the Treasurer of the County, where such offence is committed, of what he hath done and received in such cases.

6. It shall be Lawfull notwithstanding, for all licensed persons to entertain land-travellers, or sea-faring men, in the night season, when they come on shore, or from their journey, for their necessary refreshment, or when they prepare for their voyage or journey the next day early, so there be no disorder among them; and also strangers, lodgers, or other persons, in an orderly way, may continue in such houses of common entertainment during reasonable times, or upon lawfull business, what time their

their occasions shall require.

7. Nor shall any Merchant, Cooper, owner or keeper of wines, or other persons that have them in their custody, suffer any person to drinke to excess or drunkenness, in any of their wine-cellars, ships or other vessels, or places where wines doly, on pain to forfeit for each person so doing. *ten shillings*. Nor shall any person licenced to sell strong waters; or any private house keeper, permit any person or persons to sit drinking or tipling strong-waters wine or strong beer in their houses: And if any such seller of strong-waters or private housekeeper, shall be Legally convicted before any County Court, any one Magistrate or Commissioners Court, such persons shall for the first Offence be fined *twenty shillings*, and if the party so convicted be not able to pay his fine, he shall be *set in the stocks*, where he shall continue one whole house, and if any such seller of strong-waters shall be convicted as aforesaid of a second Offence, of the same nature, he shall forfeit his Licence and shall also pay *twenty shillings* as a fine to the Country, and if any private house-keeper shall be convicted as aforesaid, of a second Offence, against this law he shall pay a fine of *five pounds*; & for a third Offence, such person or persons being so convicted, shall be bound to their good behaviour in *twenty pound bond*, with two sufficient sureties, or be committed to prison.

8. And if any person offend in drunkenness, excessive or long drinking, the second time, they shall pay double fines. And if they fall into the same offence the third time, they shall pay treble the fines; & if the parties be not able to pay the fines, then he that is found drunke, shall be punished by whipping, to the number of *ten stripes*, and he that offends in excessive or long drinking, shall be put into the stocks, for three houres, when the weather may not bazzard his life or limbs. And if they offend the fourth time, they shall be imprisoned, untill they put in two sufficient sureties for their good behaviour.

9. And it is further Ordered, That if any person that keepeth, or hereafter shall keep a common house of entertainmēt, shall be lawfully convicted the third time for any offence against this Law; he shall (for the space of three yeares next ensuing the said conviction) be disabled to keep any such house of entertainment, or sell beer, or the like, unless the Court aforesaid shall see cause to continue him.

10. It is further Ordered, that every Inkeeper or victualler, shall provide for the entertainment of strangers horses, viz. one or more inclosures, for summer, hay and Provender for winter, with convenient stable-rooms and attendance, under the penalty of *two shillings six pence* for every dayes default, & double damage to the party thereby wronged, except it be by inevitable accident.

11. And it is further Ordered by the Authority aforesaid. That no Taverner seller of wine by retails, Licenced as aforesaid, shall take above *nine pound proportion*, by the Butt or Pipe of wine, and proportionably for all other Vessels towards his wast in drawing, and otherwise, out of which allowance, every such Taverner or Vintner, shall pay *fifty shillings* by the Butt or Pipe, and proportionably for all other Vessels to the Country, for which they shall account with the Treasurer or his Deputy every six monthes, and discharge the same, all which they may do by selling *six-pence a quart* in retails, which they shall no time exceed more than it cost by the Butt. Besides the benefit of their art and mystery which they know how to make use of. And every Taverner or Vintner shall give a true account & notice, unto the Treasurer or his Deputy, of every Vessell of wine he buyes from time to time, within three dayes, upon paine of forfeiting the same, or the value thereof, the one halfe to the Country, the other halfe to the Treasurer and informer. And it is Ordered, That the said Impost, shall from time to time be paid in wines at merchantable price, or other equivalent merchantable good pay, to the content of the Treasurer, and that the Treasurer shall take special care in collecting the same, who is hereby empowered to substitute, such deputies under him, as he shall see meet, in the se-

Wine Merchants, Coups &c: not to permit any to be drunke

A. 54. p. 2

Privat house keepers not to permit any to tipple in their houses

First offence 20 s.

Second offence 5 l.

Third offence good behave:

L. 1. p. 30

Drunke the 3 time double fine

3 treble

4 time imprisonment

Inkeepers convicted of 3 offences

Forfeit their licence

Provisions for houses

Vintners to pay 5 s per Butt

To give notice to the Treasurer when wine they buy

A. 58.

Treasurer to
have 5 s per
pound of
this impost

Sellers of
strong water
to give notice
to Marshall
within 3 days

L. 2. P. 31

Ordinary kee
per to clear
their house
in meeting
time:

One Magistrate
to hear & de
termine all
offences a-
gainst this
Law.

Delinquents
T. 1. 10. 7

Constable to
search in
Ordinary

Constables
neglect

Fined 10 s:

A. 57. P.
21.

Ordinary to
renew their
Licences
yearly:

verall Townes, for his help and furtherance herein, for all which paines and care he shall be allowed two shillings in the pound of all such imposts, as he shall bring in to his annual account, with the Country.

Provided allwayes that if any Vintner Taverner or retailer of wines, shall give an account to the Treasurer of any part of any wine entred as abovesayd that he hath sold away againe by whole sale, being no less in quantity then a quarter Cask, to one person at one time, and shall Truly certify the Person who had it, and the time when, such person or persons shall be abated of their impost, in proportion, to what they have so sold. And all such as Retail strong waters, shall in like manner pay two-pence upon every quart, to the use of the Country who shall also give notice to the Marshall-Generall, of every Cask & bottle, or other quantity they buy, within three dayes, upon paine of forfeiture as before.

12. And it is Ordered. That in all places where week day Lectures are kept, All Taverners, Victuallers and Ordinaries, that are within one Mile of the Meeting-house to which they belong, shall from time to time, Clear their houses of all persons able to go to meeting, during the time of the exercise, except upon extraordinary cause, for the necessary refreshing of strangers unexpectedly repairing to them upon paine of five shillings for every such Offence over and besides the penalties incurred by this Law for any other Disorder.

13. It is also Ordered that all Offences against this Law, may be heard & Determined by any one Magistrate, who shall hereby have power by warrant to send for, & examine parties and witnesses, Concerning any of these Offences: And upon due conviction either by View of the said Magistrate, or affirmation of the Constable and one sufficient witness with Circumstances concurring, or two witnesses, or Confession of the party; to Leave the said severall fines by warrant to the Constable for that end. And if any person shall voluntarily confesse his offence against this Law in any the particulars thereof, his oath shall be taken in evidence and stand good against any other offending at the same time.

14. It is further Ordered by the Authority aforesayd. That all Constables may, and shall from time to time, duly make search, throughout the limits of their Townes upon Lords Dayes and Lecture dayes in times of exercise, and also at all other times so oft as they shall see cause for all Offences and Offenders against this Law, in any the particulars thereof. And if upon due information, or Complaint of any of their inhabitants or other credible persons, whether Taverner, victualer, Tabler or other, they shall refuse or neglect to make search as aforesayd, or shall not to their power performe, all other things belonging to their place and Office of Constable, then upon Complaint and due proof before any one Magistrate within three monthes of such refusal or neglect, they shall be fined for every such Offence ten shillings, to be levied by the Marshall as in other cases by warrant from such Magistrate, before whom they are Convicted or warrant from the Treasurer, upon notice from such Magistrate.

15. And because it is difficult to Order and keep the houses for publick entertainment in conformity to the wholesome Lawes established, as is necessary for preventing Drunkenness, excessive Drinking, vaine expences of many times, & the abuse of the good Creatures of God.

It is therefore Ordered by this Court and the Authority thereof. That no person or persons hereafter shall be licensed to keep a house of Common-entertainment, for any longer then one year at one time, and that such as keep houses of publick entertainment, the present vintners during their contract excepted) shall and hereby are enjoined, once every year, to repaire to the severall County Courts for renewing their severall licences (for which they shall pay two shillings five-pence to the Clerke of the Court,) or else they shall forfeit five pennes as unlicensed Ale house-keepers. 164. 46, 47, 48, 51, 53, 57, 58.

Whereas

Judgments & Executions.

WHEREAS there is a great abuse in selling of Judgments and executions, and so aliening the property of them, before they be satisfied, or goods seized, whereby great inconvenience may arise as experience hath Prooved, This Court doth therefore Order, That after the end of this Session, no person shall Sell, Alienate, or Assigne, any judgment or execution whatsoever, & if any shall presume to act contrary to this Order, his sale, assignement, or Alienation shall be voyd in Law; And in case the party dy after the Iudgment, before he hath taken out an execution, or before satisfaction be received, his executor or his administrator shall take out or renew the execution, as the Testator himselfe might have done.

Jurors & Juries.

IT is Ordered by this Court and the Authority thereof, That the Secretary or Clerk of every Court, shall in convenient time, before the sitting of the Court send warrants to the Constables of the severall Townes, of the Jurisdiction of that Court for jury-men proportionable to the Inhabitants of each Towne, And the Constable upon the receipt of such warrant, shall give timely notice to the freemen of their respective Townes, to chuse so many able discreet men, as the warrant shall require, which men shall when he shall warne to attend the Court, whereto they are appointed, and shall make returne, of the warrant, unto the Clerk aforesayd; The like Order shall be observed, in the choyce and Summoning juries to attend special Courts; At which Courts every jury-man shall be allowed, *or shall not per usem* for their Charges, to be payd by him, upon whose motion the Court was granted. And all juries serving at the Court of Assistants at Boston, shall be Summoned respectively, out of the Counties of Suffolk and Middlesex; And all jurors so chosen, shall be impaneled and sworne, truly to try between party and party, and shall find the matter of fact, with the damages and costs, according to their evidence. & the judges shall declare the Sentence, or direct the jury to find according to Law, and if there be matter of apparent equity, as the forfeiture of an obligation, or a breach of Covenant without damage, or the like, the Bench shall determine such matters of equity And no trial shall pass upon any man for life or banishment in any inferior Court, but by a special jury Summoned for that purpose.

2. It is also Ordered, That there shall be Grand juries Summoned in like manner, every year unto the severall Courts in each Jurisdiction, to present all misdemeanours they shall know, or hear to be Committed by any person within the jurisdiction, and to do any other service of the Common wealth they shall be charged by the sayd Court. Provided no Juror, nor any person whatsoever, shall be bound to informe, present or reveal any private Crime, or Offence wherein there is no peril or danger to this Colony, or any Member thereof, when a necessary tie of Conscience binds him to secrecy, unless it be in Testimonies Lawfully required. And every Grand Juror shall be allowed *three shillings per diem* for his Charges, out of the fees & other profits arising in each Court, where they do service, or by the County if those in-comes fall short.

3. In all cases wherein the Law is obscure, so as the jury cannot be satisfied therein, whether it be Grand or Petty jury, they have liberty to present a speciall Verdict: viz. If the Law be so in such a point, we find for the Plaintiff, but if the Law be otherwise, we find for the defendant, in which Case, the question at issue doth properly belong to the Court, And all Jurors shall have liberty in matter of fact, if they cannot find the maine issue, yet to find & present in their Verdict so much as they can.

4. And if the Court and jury shall differ at any time about their verdict that either of them cannot proceed, with peace of conscience, the case shall be listed, and determined at the next Court of Assistants, in manner following, (viz.) the attachment with the security for appearance at the County Court, shall be continued to the

A: 54:

Judgments & Executions not to be sold.

L: 2: p: 5.

Clerk to grant warrants for Jurors

Chosen by freemen. Constable to return warrant.

A: 51: p: 5

L: 2: p: 8.

Jury in special courts allowed 4 sh per diem.

L: 1: p: 32.

Jur. to find according to evidence. Bench to determine matters of equity

Grand Juries

L: 1: p: 47:

Jurors not bound to reveal secrets

A: 53: p: 19

Jurors allowed wages.

A: 57: p: 25

Juries liberty to give a special verdict.

Court & Jury

A: 5: p: 14

Court & Jury

A: 56: p: 14

L. 2. p. 31

Jury liberty to take advice in open Court.

Jurors to serve but appear except

If Infract and end: Pen: for not answer at their call

Plaintiffs liberty to make new entry in case.

Delinquents penalty for not answer at their call

Butchers, Curriers may not tan

Gashing of hides forfeit 12 d.

to the Court of Assistants: and if the Plaintiff, shall see cause further to prosecute his action, he shall give Summons to the Defendant, as the Law provideth; and shall also take out of the Record of the County Court, the Records of the said case with the Evidences presented by both parties, and bring the same to the Court of Assistants, where after the Case is presented, as it was at the County Court, both Parties shall have liberty to make any new pleas, or evidence before the Bench & jury, and in case the Plaintiff shall not further Prosecute his action, in manner as is hereby provided, the Defendant shall then have judgment granted him, for his costs at the County Court, at the next Court of that County.

5. It is further Ordered, That whensoever any jury or jurors, are not clear in their Judgments or conscience concerning any case wherein they are to give their verdict, they shall have liberty in open Court, (but not otherwise) to advise with any man they shall think fitt to resolve or direct them, before they give in their verdict. And no Juror shall be compelled to serve, above one ordinary Court in a year, except Grand-jurors, who shall hold two Courts together at the least, and such as shall be summoned to serve, in cases of life & death or banishment. [1634. 41, 42, 49, 50, 51, 53, 56, 57.]

6. *Whereas in Suits and Actions, brought into Courts, between party & party sometimes the Plaintiff, & sometimes the Defendant, & sometimes neither of them, do attend to Answer when they are called, so prosecute or Answer, which hath been too long connived at, by the Magistrates; And much time lost in sending to seek them out, or waste their coming in, whereby the Country charge is increased, and the Magistrates jurors, witnesses & others abused, contrary to the Landable, reasonable practice and Customs of all Courts, in our native Country, and other Countyes known unto us.*

It is therefore hereby Ordered & Enacted, that if any Plaintiff, he or shee, have entered any Action to be tried in any Court, or which comes Orderly into any Court, by Replevin, appeal, or by the disagreement between the Magistrates and jury, in an inferior Court; And do not by him or her self, or by their Attourneys make their appearance & prosecute their action Immediately after they have been three times called in the Court by name, after the first forenoon of the Court, that then they shall be non-suited, and if Plaintiff or defendant appear upon fifth call, they shall have their Costs granted, by the Court against him or her that doth not appear, and if afterwards both parties do agree to try their case at the same Court, they shall be allowed so to do, the plaintiff paying half so much for a new entry as he did before, And if any person Preterred by the Grand-jury for any offence, or Sumoned by a Magistrate to answer any Crime, do not upon summons appear at the time appointed, upon the third call as aforesaid, he or shee shall be proceeded against for contempt, except he or shee be restrained or prevented by the hand of God.

Lands free Lands.

It is also Ordered & by this Court declared; That all our lands and heritages shall be free from all fines and licences, upon alienations, and from all barrs, wardships, Liveries, Primerseizins, year, day and waste, Escheates & forfeitures, upon the death of Parents or Ancestors, naturall, unnaturall, casuall or judiciall and that for ever. [1641.]

Leather.

THIS Court Considering the severall deceits and abuses, which in other places have been, and are Commonly practised by the Tanners, Curriers and workers of Leather, as also the abuses and inconveniences, which accrue to the severall members of this Commonwealth, by Leather not sufficiently Tanned and wrought, which is occasioned, by the negligence and unskilfulness of those severall Tradesmen, which before, in & after it is in the hand of the Tanner may be much bettered or impaired, for prevention whereof; It is Ordered by this Court and the Authority thereof.

That no person using, or occupying the feat and mistery of a Butcher, Currier or shoemaker

make, by himselfe or any other, shall use or exercise the feat or mystery of a tanner, on paine of the forfeiture of six shillings eight pence for every Hide or skin by him or them so Tanned, whilst he or they shall use or occupy any of the Mysteries aforesayd. Nor shall any Tanner during his using the sayd trade of Tanning, use or occupy, the feat or Mystery of either Butcher, Currier, or shoemaker, by himselfe or any other upon paine of the like forfeiture. Nor shall any Butcher by himselfe or any other person, gash or cut any hide of Ox, Bull, steer, or Cow, in fleaving thereof, or otherwise whereby the same shall be impaired or hurt on pain of forfeiting twelve pence for any such gash or cut in any hide or skin. Nor shall any person or persons betwixt bargain, buy, make any contract, or bespeak any rough hide of ox, bull, steer, or cow in the haire, but onely such persons as have & do use & exercise the art of Tanning.

2. Nor shall any person or persons using or which shall use the Mystery or faculty of Tanning at any time or times hereafter, offer to put to Sale, any kind of leather, which shall be insufficiently or not thoroughly tanned, or which hath been over Limed, or burnt in the limes, or which shall not have been, after the tanning thereof well & thoroughly dried, upon pain of forfeiting that whole Hide, halfe Hide, or other peece of Leather wherein one sixteenth part shall be found, by the searcher or Sealer of Leather (Lawfully appointed) to be either over Lined or insufficiently Tanned or not thoroughly dried as aforesaid. Nor shall any person using the mystery of tanning as aforesaid, set any of their fatts in tan-hills or other places where the woozes or leather put to tann in the same, shall or may take any unkind heates, nor shall put any leather into any hot or warme woozes whatsoever on pain of twenty pounds for every such Offence.

3. Nor shall any person or persons, using or occupying the Mystery or faculty of Currying Curry any kind of Leather, except it be well & thoroughly tanned; nor shall Curry any hide being not thoroughly dried after his wet season, in which wet season, he shall not use any stile, urine or any other deceitfull or subtil mixture, thing, way or meanes to Corrupt or hurt the same, nor shall Curry any leather meet for outer sole Leather, with any other then good hard tallow, nor with any less of that, then the Leather will receive; nor shall Curry any kind of Leather, meet for upper Leather & inner soles, but with good and sufficient stuff being steeled and not salt, and thoroughly liquored, till it will receive no more, nor shall burn or scald any hide, or Leather in the Currying, but shall work the same sufficiently in all points and respects on pain of forfeiture for every such Offence or act done Contrary to the true meaning of this Order, the full Value of every such Hide, Marred by his evil Workmanship or Handling, which shall be Judged, by two or more sufficient and honest skilfull persons, Curriers or others on their Oath given to them for that end by any Magistrate.

4. And every Town where need is, or shall be, shall chuse one or two persons of the most honest and skilfull within their severall townships, & present them unto the County Court, or one Magistrate, who shall appoint and swear the sayd persons, by their discretion to make search and View within the precincts of their Limits in any House, Shop, or Warehouse, where they conceive such Leather may be, whether wrought into shoes, Bootes or otherwise, as oft as they shall think meet and need shall be, who shall have a mark or Seal prepared by each Town, for that purpose and the sayd searchers or one of them, shall keep the same, and therewith shall Seal such Leather as they shall find sufficient in all respects and no other, And if the sayd searchers or any of them, shall find any Leather sold or offered to be sold, brought or Offered to be leached or scalded, which shall be Tanned wrought, converted or used, contrary to the true intent and meaning of this Order. It shall be lawfull for the sayd searchers or any of them to seize all such Leather & to retain the same, in their Custody, and if the owner shall not submit to the judgement

G

of the Officer

Gashing of
Hides for-
feits twelve
pence.

Onely Tan-
ners may buy
raw hides.

Leather not
to be overli-
med or in-
sufficiently
tanned.

penalty.

Curriers du-
ty.

Penalties.

Searchers of
leather to be
sworne.

A 51 p 3

To seize all
effective
leather.

of the Officer or Officers, the sayd Officer so seizing the same, shall within three dayes, call to him ten or six men, honest and skilfull in such ware, to view the same in the presence of the partie (or without him having notice thereof) who shall certify upon their oaths unto the next County Court of that shire, or unto one of the Magistrates the defect of the said Leather.

Searching
leather made
into shoes or
boots.

Searchers
default

Penalty.

Fees.

The like power shall the said Searchers have, to search all Leather, wrought into shoes or boots, as also to seize all such as they find to be made of insufficient Leather, or not well and sufficiently wrought up; And if any searcher or sealer of Leather shall refuse with Convenient speed to Seale any Leather sufficiently Tanned, wrought and uled according to the true meaning of this Order, or shall seale that which shall be insufficient, then every such searcher and Sealer of Leather shall forfeit for every such Offence the full Value of so much as shall be insufficiently Tanned. And the fees for Searching and Sealing of leather, shall be one penny a Hide, for any parcel less then five, and for all other parcels, after the rate of *six pence a Dicke*, which the Tanner shall pay, upon the Sealing of the sayd leather from time to time.

5. Lastly It is Ordered by the Authority aforesayd, That the several fines and forfeitures in this Order mentioned, shall be equally divided into three parts, and distributed as, viz: One third part to the Common Treasury of the Shire wherein the offence is committed, another third part to the common Treasury of the Town-shire where the offender inhabiteth, and the other third part to the Seizer or Seizers of such leather shoes or boots, as is insufficiently tanned, curried or wrought from time to time. [1642, 51]

Liberties Common.

Liberty at
publick as-
sembly.

It is Ordered by this Court, Decreed and Declared; That every man whether Inhabitant or forreigner, free or not free, shall have liberty to come to any publick Court, Council or town meeting, and either by speech or writing, to move any lawfull, reasonable or materiall question, or to present any necessary motion, Complaint, Petition, Bill, or Information, whereof that Meeting hath proper Cognizance, to it be done in convenient time, due Order and respective manner. [1641.]

Fishing and
fowling

Water pas-
sage free

Liberty to
pass through
propriety to
fish & fowle

2. Every Inhabitant who is an householder shall have free fishing and fowling in any great ponds, bayes, Coves and Rivers, so far as the Sea ebbs and flows, within the precincts of the town where they dwell, unless the freemen of the same Town or the General Court have otherwise appropriated them. Provided that no Town shall appropriate to any particular person or persons, any great Pond containing more then ten acres of land, and that no man shall come upon another's propriety without their leave otherwise then as hereafter expressed. The which clearly to determine, It is Declared. That in all *Creeks, Coves* and other places, about and upon *Salt-water*, where the Sea ebbs and flows, the proprietor of the land adjoining, shall have propriety to the low-water-mark, where the Sea doth not ebb above a hundred Rods, and not more wheresoever it ebbs further. Provided that such proprietor shall not by this liberty, have power to stop or hinder the passage of boates or other vessels, in or through any Sea, Creeks or Coves, to other mens houses or lands. And for great Ponds lying in common, though within the bounds of some Town, it shall be free for any man to fish and fowle there, and may pass and repass on foot through any mans propriety for that end, so they trespas not upon any mans Court or Meddow. [1641, 47]

Liberty to
remove out
of the Jurisdic-

2. Every man of, or within this Jurisdiction, shall have free liberty (notwithstanding any Civil Power) to remove both him selfe and his family, at their pleasure out of the same, Provided there be no Legal impediment to the contrary. [1641]

WHER

Lying.

WHEREAS Truth in Word, as well as in actions, is required of all men, Especially of Christians, who are the professed Servants of the God of Truth; And whereas all Lying is contrary to truth, and some sort of lyes are not only sinful (as all lyes are) but also pernicious to the Publick weal, and injurious to particular persons; It is therefore Ordered by this Court and Authority thereof,

That every person of the age of discretion (which is accounted fourteen yeares) who shall wilfully and willingly make, or publish any lye, which may be pernicious to the publick weal, or tending to the damage or injury of any particular person, or with intent to deceive and abuse the people, with false newes and reports, and the same duly proved in any Court or before any one Magistrate (who hath the by power granted to hear and determine all Offences against this law) such person shall be fined for the first Offence *ten shillings*, or if the party be unable to pay the same, then to be *set in the stocks*, so long as the said Court or Magistrate shall appoint, in some open place not exceeding two houres. For the second Offence in that kind, whereof any shall be Legally convicted, the sum of *twenty shillings* or be whipped upon the naked body not exceeding ten stripes. And for the third Offence *forty shillings*, or if the party be unable to pay, then to be whipped with more stripes, not exceeding fifteen. And if yet any shall offend in like kind and be Legally convicted thereof, such person, male or female, shall be fined *ten shillings* a time more than formerly, or if the party so offending be unable to pay, then to be whipped with five or six more stripes then formerly, not exceeding forty at any time. The aforesaid fines shall be levied or stripes inflicted either by the Marshall of that Jurisdiction or Constable of the town, where the Offence is Committed according as the Court or Magistrate shall direct. And such fines so levied shall be paid to the Treasury of the shire where the cause is tried.

And if any person shall find himselfe grieved with the sentence of any such Magistrate out of Court, he may appeal to the next Court of the same Shire, giving sufficient security to prosecute his appeal, and abide the Order of the Court, and if the said Court shall judge his appeal causeless, he shall be double fined, and pay the charges of the Court, during his action, or Corrected by whipping as aforesaid, not exceeding *forty stripes*, & pay the costs of the Court, and party complaining or informing and of the witnesses in the case. And for all such as being under age of discretion that shall offend in Lying contrary to this Order, their parents or masters shall give them due Correction & that in the presence of some Officer if any Magistrate shall so appoint, Provide, allwaies, that no person shall be barred of his just action of slander, or otherwise, by any proceeding upon this Order. [1645]

Manslaughter.

It is Ordered by this Court and the Authority thereof, That if any person in the just and necessary defence of his life, or the life of any other shall kill any person attempting to Rob, or Murder in the field or High way, or to break into any dwelling house, if he conceive he cannot with safety of his own person, otherwise take the Felon or Assailant or bring him to tryall, he shall be holden blameless. [1647.]

Marriages & Married persons.

It is Ordered by this Court and Authority thereof; That no man shall strike his wife, nor any woman her husband, on penalty of such fine, not exceeding Ten Pounds for one Offence, or such Corporall punishment as the County Court shall determine.

2. For prevention of all unlawfull Marriages, It is ordered that henceforth no person shall be joyned in Marriage, before the intention of the parties proceeding therein, hath been three times published at some time of publick Lecture, or town meeting in both the townes, where the parties or either of them doe ordinarily reside

Age of discretion 14 years.

First offence 10 s or more

Second offence 20 s or whpt. 3d & 4th offence

Liberty to appeal

If Court does not find

Underagers to be corrected by parents

Li. 2. p. 17

Times published or published at town meeting

or be set up in writing upon some post of their Meeting-house door in publick view, there to stand, so as it may easily be read, by the space of fourteen dayes [1639.]

3. And whereas God hath committed the care and power, into the hands of parents for the disposing their Children in Marriage, so that it is against rule, to seek to draw away the affections of young Maidens unac^r pretence of purpose of Marriage, before their parents have given way and allowance in that respect; And whereas it is a Common practise in divers places for young men irregularly & disorderly to watch all advantages for their evil purposes, to insinuate into the affections of young Maidens, by coming to them in places, & seasons unknown to their parents, for such ends, whereby much evil hath grown amongst us, to the dishonour of God & damage of parties; For prevention whereof for time to come. It is further Ordered.

That whatsoever person, from henceforth shall endeavour directly or indirectly, to draw away the affection of any Mayd in this Jurisdiction, under pretence of Marriage, before he hath obtained liberty & allowance from her parents or Governours (or in absence of such) of the nearest Magistrate, he shall forfeit for the first offence five pound, for the second towards the partie ten pounds, and be bound to forbear any further attempt and proceeding, in that unlawfull designe, without or against the allowance aforesayd. And for the third offence upon information or complaint by such Parents or Governours to any Magistrate giving bond to prosecute the party, he shall be committed to prison and upon hearing and conviction by the next Court shall be adjudged to continue in prison, untill the Court of Assistants shall see Cause to release him. [1647]

4. Whereas divers persons both men & women, living within this Jurisdiction, whose Wives and Husbands are in England, or else where, by means whereof, they live under great temptations here, and some of them committing lewdnes & filchines here amongst us, others make love to women & attempt marriage, and some have attained it; & some of them live unac^r justification of uncleannes, and all to the great dishonour of God, reproach of Religion, Commonwealth and Churches. It is therefore

Ordered by this Court and Authority thereof, for the prevention of all such future evils. That all such married persons as aforesayd, shall repaire to their sayd relations by the first opportunity of shipping, upon the paine or penalty of twenty pounds, except they can shew just cause to the contrary to the next County Court or Court of Assistants, after they are summoned by the Constable there to appear, who are hereby required so to doe, upon paine of twenty shillings for every such default wittingly made.

Provided this Order doe not extend to such as are come over to make way for their families, or are in a transient way, onely for traffick or merchadize for some small time, [1647]

5. As the Ordinance of Marriage is honourable amongst all, so should it be accordingly solemnized. It is therefore Ordered by this Court and Authority thereof. That no person whatsoever in this Jurisdiction, shall joyne any persons together in Marriage, but the Magistrate, or such other as the General Court, or Court of Assistants shall Authorize in such place, where no Magistrate is near. Nor shall any joyne themselves in Marriage, but before some Magistrate or person authorized as aforesaid. Nor shall any Magistrate, or other person authorized as aforesaid, joyne any persons together in Marriage, or suffer them to joyne together in Marriage in their presence, before the parties to be married have been published according to Law. [1646]

Ma^rshal.

It is Ordered by this Court and Authority thereof. That every Marshal shall diligently and faithfully Collect, and levy all such fines, and sums of money of every person, for which he shall have Warrant from the respective Treasurers, or other Authority, which he shall returne to the said Treasurer, with all convenient speed,

No motion of marriage to be made to any maid without consent of parents. Forfeits pounds

Married persons to go to their relations on paine of 20 pound.

Constable to present such to Court.

Whomay solemnize marriage.

Not before publication.

L:1 p 38:

57: Marshal to levy all fines

speed, upon penalty of forfeiting *he* shall pay out of his owne estate, for every pound not collected or returned as aforesaid or such fine as any Court shall impose on him for his neglect.

And every Marshall, shall with all speed and faithfulness levy the goods of every person for which he shall have *Warrant*, by vertue of any execution granted. & signed by the Secretary or other Clerk authorized thereto, and the said goods so levied, shall with all convenient speed, deliver to the party or attorney, that obtained the judgment and execution, or be liable to make full satisfaction to the party, for all damage sustained by his neglect; And the said Marshall shall within two months, after the receipt of any such execution, make return of the said execution, with what he hath done by vertue thereof, under his hand to the Clerke that granted the same, to be by him kept and recorded, and if the execution be not fully satisfied, the said Clerke shall at the request of the partie, grant execution for the remainder; And every Marshall neglecting to make return of executions as aforesaid, shall forfeit double to the damage, any person concerned therein may sustaine by such neglect.

Further, the said Marshalls shall with like care and faithfulness, serve all Attachments directed to them, and return the same to the Courts, to which they are returnable at the times of the returns thereof, and henceforth no Marshall shall be Clerke or Recorder of any Court.

And it is heereby Ordered that the Marshalls fees shall be *twelve pence* in the pound, to be paid by the respective Treasurers, for all fines levied by the said Marshalls, and returned to the said Treasurers, and for serving attachments within one mile *one shilling three pence* to be paid by the party that employes them, & for serving executions *twelve pence* in the pound for all sums not exceeding *ten pounds*, and for all sums above *ten pounds* and not exceeding *forty pounds*, *six pence* in the pound more, and for all sums above *forty pounds* and not exceeding *one hundred pounds*, *three pence* in the pound more, and *one penny* in the pound more, for all sums above *one hundred pounds*, out of the estate of the person the execution is served upon, over and above for the execution. And in all Cases; where the aforesaid fees for levying executions or fines, will not answer the Marshalls travaill, and other necessary charges, the Marshall or other officer employed, shall have power to demand *six pence per mile*, and upon refusal, to levy the same together with his other fees.

And it is Ordered, that all Marshalls and Constables within this Jurisdiction, shall hereafter from time to time, allow and pay unto the Marshall General *three pence* out of every *fifteen pence*, they receive for serving attachments, also *three pence* out of every shilling, due to them, for levying of fines and executions; And it is further Ordered, that the said Marshall general shall from time to time, have & enjoy to his own use & benefit the custome of *two pence per quart* upon all such as doe or shall retails strong-waters, and all such as shall sell under one gallon, at a time, shall be accounted retailers) whether Licenced or not, and the one halfe of the fine of *five pence* of all such persons, as shall upon his information or complaint be convicted to have sold strong-waters without Licence, as also the sole Benefit of the Impost of all strong-waters brought into the Country, which this Court doth allow as a meet encouragement and salary for the service of the said Marshall General.

Whereas the Marshalls and their Deputies have often need of Assistants in the execution

of their Office: It is Ordered that they & every of them have & shall have the same power to enjoin & charge any person to aide them and Assist them therein as every Constable hath, and who ever shall refuse, or not yeild Obedience thereto, shall incur the like penalty, that those doe or should doe, that refuse to ayd the Constable in his Office.

And in all case of fines and Assessments to be levied, & upon execution in civil actions, the Marshall or other Officer shall demand the same of the party at his house or place of

To serve all execution.

To returne execution to the Clerke

L: 1 p: 58:

Marshall not to be Clerke

L: 2 p: 7:

Marshalls fees

A: 53 p: 20

Marshall Gen: his fees.

L: 1 p: 10.

Marshall may require ayde as a Constable may.

L: 1 p: 45

Officer may
break open
doors or
chests

Necessary
charges to
be levied.

Goods ex-
empt from
execution.

Officer dor-
ing with
to make satis-
faction

Servants not
to give or
take

work whole
day.

Servants run-
ning to be
pursued.

Wages to be
fixed by five
men in towns

Wages to be
paid in coin

to be valued

or place of usuall abode, & upon refusal or non payment, he shall have power, calling Assistants if he see cause, to break open the door of any house, chest or place where he shall give notice, that any goods liable to such Levie or execution shall be, & if he be to take the person, he may do the like; If upon demand he shall refuse to render himselfe.

And what ever Charges the Officer shall necessarily be put unto, upon any such occasion, he shall have power to levie the same, as he doth the debt, fine or execution and where the Officer shall levie any such goods upon execution as cannot be conveyed to the place, where the partie dwels, for whom such execution shall be levied without Considerable Charge; he shall levie the said Charge also with the execution. The like Order shall be observed in levying of fines, provided it shall not be lawfull, for such Officer to levie any mans necessary bedding, apparel, tools or arms, neither inplements of house-hold, which are for the necessary upholding of his life but in such cases, he shall levie his land or person according to Law, & in no case shall the Officer be put to seek out any mans estate, further then his place of abode, but if the partie will not discover his goods or Lands the Officer may take his person. And it is also Ordered, That if any Officer shall doe injury to any by Colour of his Office, in these or any other Cases, he shall bee Liable upon Complaint of the Partie wronged, by action or information to make full restitution. [1647.]

Masters Servants Labourers.

IT is Ordered by this Court and the Authority thereof. That no servant either Man or Mayd shall either give, Sell, or truck, any Commodity whatsoever, without Licēce from their Masters, during the time of their service under pain of fine or corporal punishment at the discretion of the Court as the Offence shall deserve.

2. And that all Workmen shall worke the whole day, allowing convenient time for food and rest.

3. It is also Ordered that when any Servants shall run from their Masters or any other Inhabitants shall Privily go away, with suspicion of evil intentions, it shall be lawfull for the next Magistrate or the Constable and two of the chiefe inhabitants, where no Magistrate is, to prels men, and Boates or Pinnaces at the publick Charge, to pursue such Persons by Sea and Land, and bring them back by force of Armes.

4. It is also Ordered by the authority aforesaid. That the freemen of every Town may from time to time as occasion shall require, agree amongst themselves about the prizes and rates of all workmens Labour and servants wages.

And every person Inhabiting in any Towne, whether Workmen, Labourer or servant shall be bound to the same rates, which the said freemen, or the greater part shall bind themselves unto, and whosoever shall exceed those rates, so agreed, shall be punished by the discretion of the Court of that shire, according to the quality and nature of the Offence; And if any Town shall have Cause of Complaint against the freemen of any other Town, for allowing greater Rates or wages then themselves, the County Court of that shire, shall from Time to Time set Order therein.

5. *And for servants and workmens wages,* It is Ordered, that they may be paid in Coin to be valued by two indifferent freemen, chosen, the one by the Master, the other by the Servant or workman, who also are to have respect, to the Value of the work or service, and if they cannot agree, then a third man shall be chosen by the next Magistrate, or if no Magistrate be in the Town, then by the next Constable, unless the parties agree the price themselves. Provided if any servant or workmen agree for any particular payment, then to be paid in specie or consideration for default therein, And for all other payments in Coin, if the parties cannot agree, they shall chose two indifferent men, & if they cannot agree, then a third as before.

6. It is Ordered, and by this Court Declared, That if any Servant shall flee from the tyranny and cruelty, of his or her Master, to the house of any free-man of the same Town, they shall be there protected and sustained till due order be taken for their relief; Provided due notice thereof be speedily given to their master from whom they fled; and to the next Magistrate or Constable where the party so fled is harboured.

Servants fly-
ing & cruelty
of masters
may be ha. b.

7. Also that no servant shall be put off for above a year to any other, nei-ther in the life time of their Master, nor after their death by their executors or administrators, unless it be by consent of Authority assembled in some Court, or two Assistants or otherwise all, and every such assignment to be voyd in Law.

Servants not
put off above
allowance of
two Magist.

8. And if any man smite out the eye or Tooth of his Man-servant or Mayd-servant, or otherwise Maim or murther disfigure them (unless it be by meer casualty) he shall let them go free from his service, and shall allow such further recompence as the Court shall adjudge him.

Servants
maimed to be
discharged

9. And all Servants that have served diligently and faithfully to the benefit of their masters, Seven yeares, shall not be sent away empty; and if any have been unfaithfull, negligent or unprofitable in their service, notwithstanding the good usage of their masters, they shall not be dismissed, till they have made satisfaction according to the judgement of Authority. [1630, 33, 35, 36, 41]

Faithful Ser-
vants reward

Unfaithful
punish'd

Malt.

It is Ordered, That no *Malster*, or *maker of malt*, shall henceforth deliver or pas away any *malt* by him or his procurement made be'ore it be cleaned from the dust and tayle, which ariseth in the malting, drying and ordering it, in his hands on penalty of *five pence per bushel*, upon conviction before any Magistrate or Court the one half to the informer, the other half to the Country.

A. 52. P.
12.

Malt to be
cleaned fro
dust.

This Court taking into serious Consideration, the great necessity of upholding the Staple commodities of this Country, for the supply and Support of the Inhabitants thereof, And knowing by experience, the bringing in of Malt, wheat, barley, buket, tefse, meal and flower, (which are the principall Commodities of this Country) from Foreign parts, to be exceeding prejudicial to the subsistence of this place and people here,

A. 55.

No malt,
wheat, buket
teffe to be
brought in
on penalt of
conviction

Have therefore Ordered, That no person whatsoever, either Inhabitant or stranger, shall directly or indirectly, after the first of March next, import into this Jurisdiction from any part of Europe, any of the aforesayd provisions under the penalty of Confiscation of the same, (except it be for the ships provisions) that shall be imported, landed, set to sale, or otherwise disposed, contrary to the intent of this Order.

And it is further Ordered and enacted, that all Marshalls and Constables where no Marshall is, in the severall Townes in this Jurisdiction, are hereby required and impowred to make diligent search, within their respective townes & Harbours where any such provisions are Landed sold or otherwise disposed of, and to make seizure of the same for the use of the Country, for which each & every Marshall and Constable shall have allowed them, one fourth part of what shall be so seized, for their care and Paines herein.

Marshall or
Constable to
seize it

The fourth
part for their
paines

And all former Lawes concerning any of the Provisions aforesayd are hereby Repealed. [1652. 55.]

Mills. Millers.

It is Ordered by this Court and the Authority thereof, that no miller shall take above one sixteenth part of the Corn he grinds, and that every Miller shall have always ready in his Mill weight, and Scales provided at his own charge, to weigh Corn to and from Mill if mended fire it. [1635. 38.]

Millers toll

To have
weights

Military.

Forasmuch as the well Ordering of the Militia is a matter of great concernment to the safety & welfare of this Commonwealth, It is Ordered by this Court &

the

Militia Com-
manded by
Majors.

L. 2. p. 12

A. 56. P.
12.

Majors how
& by whom
chosen.

the Authority thereof, That the Military forces of *Suffolk, Middlesex and Essex*, shall be under the Command of the *Sergeant Majors* Chosen in each County and that the Militia of *Norfolk* shall be Commanded by the *Major* of the Regiment of *Essex*. Provided the said Militia be not drawn out of the said County to any Regimentall exercise; and if any of the said *Majors* be removed or discharged their places, the *Major General* for the time being shall within one Month at furthest after such Change, send forth his warrants to each town in the shire, to make choice of a *Major* in manner following: viz. The *freemen* *Housholders* and *souldiers* as have taken the Oath of fidelity before the *fifteenth of May* [1656.] and no other, being met together in their respective townes (by vertue of such warrant from the *Major General* or from the *Generall Court* shall give in their votes for such a person as they judge fit, for the Office of *Sergeant Major* of that Regiment which votes, shall be sealed up by the Chief *Military Officer* of the place, or by the Constable; as the warrant shall direct (and sent by some *freeman*, Chosen by the Town, to carry them to the *shire town* of that County at such time as the warrant shall direct, where the said votes shall be opened and numbred in the presence of one or two of the nearest *Magistrates* and the said *freemen*, and he that shall have the greater number of votes being a *freeman*, shall be presented by one of the said *Magistrates* unto the *Major General*, within one week after such Election, who shall by giving the Oath accustomed & delivering him a *Commission*, install & confirm such *Sergeant Major* in his place.

Regimentall
meeting
in 3 years.

Meeting of
the Officers
of the Regiment.

Nomination
of Officers of
Companies.

To be allow-
ed by County
Courts.

A. 53. P.
13.

Sixty four
Souldiers to
be a Company.

2. And every *Sergeant Major* is hereby Ordered and required, once in three years to draw his Regiment, both horse & foot, in one Convenient place in the County, and to instruct and exercise the Officers and souldiers in Military discipline according to his best skill and Ability, for which service he shall have twenty pounds allowed him, out of the Treasury of the Country for his paines and charges for every such Meeting, also every *Sergeant Major*, may as often as he shall see cause send his warrants to require the Chief Officer of each Company in his Regiment, to meet at such time and place, as he shall appoint, and there with them to Confer and give in Command, such Orders as shall by them, be Judged meet, for the better Ordering and setting the particular Companies in Military exercises, and to impute fines and penalties upon such delinquents as have not given satisfaction to their Captain or Chief Officer, for all defects either in their *armes, ammunition, appareances, watches, effences &c.* And the *Sergeant Major* shall with the content of the said Officers, give Order to the *Clerks* of the several Companies, to take *distress* for the same, within one month after such Order,

3. And for the setting particular military Officers in every Town of this Jurisdiction, It is Ordered, That every *freeman, householder, and assed souldier*, having taken the Oath of fidelity as aforesaid (and no other) shall have liberty to give his vote for the nomination of military Officers, of that Town or Company where he dwells, Provided they be *freemen*, and all persons so nominated, shall be presented to the Court of that County, to be allowed and confirmed in their respective Offices, unless the said Court shall see cause to the contrary, & no person shall be acknowledged or accepted as an Officer of any Company without the allowance and approbation of the County Court first had and obtained.

4. And in every Town where there is sixty four Souldiers (liable to attend Constant training) besides the Officers, such number of souldiers shall be accounted a foot Company, and have liberty of nomination of all the Officers of a foot Company, and shall have two Drums. And in smaller Townes, where there shall be less

less number, then *sixty four* as aforesaid, they shall have liberty of nomination of *Sergeants* and other inferior Officers only, to teach and instruct them in the exercise of armes. And the *Major* of the *Regiment* shall have power, to order & regulate the smaller Townes, and to joyn them into one compleat Company, (as occasion may require) which shall have liberty of choise of all Officers as aforesaid. And every *Captain, Lieutenant and Ensign*, shall have *Commissions* from the General Court, for the holding of their places, and exercise of their duties.

5. The sayd Military Officers of every Company shall take care that their Souldiers be wel and Compleatly Armed, and shall appoint what armes every souldier shall serve with, Provided two thirds of each Company be Musquetiers, & those which serve with pikes, have *Corsets and head peeces*: and they shall exercise their Souldiers eight dayes every year, when the Captaine or Chiefe Officer shall appoint by giving publick warning thereof, three or four dayes before the day of exercise, Provided that so many dayes as shall be expended, by Order of the Major of the Regiment in the exercise of the Regiment, and in Marching to and from the place of exercise, shall be accounted as part of the eight dayes.

6. Also the three Chiefe Officers of each Company shall have power to punish such Souldiers as shall Commit any disorder or Contempt upon any day or time of Military exercise, or upon any watch or ward, by *stocks, whores* or any other *small military punishment*, or by *fine* not exceeding *twenty shillings*, or may commit such offender to the Constable to be Carried before some Magistrate who may bind him over to the next Court of that shire, if the Cause so require, or Commit him to the prison.

7. Every foot souldier shall be compleatly Armed & furnished, the pikemen with a good *Pike* wel headed, *Corset*, *head pece*, *sword*, & *snap sack*, the Musquetiers with a good fixed *musquet*, not under Bastard Musquet bore, nor under three foot nine inches in length, nor above six foot three inches long, with a *priming wire*, *worm*, *scourer* and *anamon*, fitted to the bore of his Musquet, also with a good *sword*, *rest*, *Banueleres*, one pound of powder, *swivell bullets*, and two *sabons* of *walsh*, upon the the penalty of ten *shillings* for every defect; And all other Inhabitants of this Jurisdiction, except Magistrates & Elders of Churches, the President, Fellowes and Students of Harvard Colledge, shall alwaies be provided of Armes, & furnished as aforesaid under the penalty aforesayd.

8. And if any person cannot procure Armes or ammunition, with such means as he hath, if he shall bring to the Clerke, so much Corn as by apprizement of, the said Clerke and two other indifferent men (whereof one to be chosen by the party) shall be adjudged of greater value, by a fifth part then such armes or Ammunition is of, he shall be excused of the penalty for want of armes untill he be provided: And the Clerke shall endeavour to furnish him so soon as may be, by sale of such goods so deposited, rendering the party the overplus; But if any person shall not be able to Provide himself armes & ammunition, through meer poverty, if he be single he shall be put to service by some Magistrate, or the Constable shall provide him Armes & ammunition, and shall appoint him when & with whom to earn it out.

9. Every person above the age of *Sixteen years*, shall duely attend al Military exercise and service, as *training*, *watching*, *warding*, under the penalty of *five shillings* for every fault, except *Magistrates*, *Deputies*, & *Officers of Court*, *Elders*, & *Deacons*, the *President*, *Fellowes*, *Students* & *Officers of Harvard Colledge*, & *professed school-masters*, *Physicians* & *Chirurgeons* allowed by two Magistrates, *Treasurers*, *Surveyer General*, *Publick notary*, *Masters of Ships* and other Vessels above *twenty tons*, *fishermen* constantly imployd at all fishing seasons, *constant beardsmen*, and such other, as for *bodily infirmity* or other *just Cause* shall by any County Court or Court of Assize (after notice of the parties desire to the Chiefe Officer of the Company to which he belongs) be discharged, also one servant of every Magistrate & teaching Elder, and the sons & servants of the Major General for the time being, also such as dwell at remote

Captain & Lieutenant Ensign to have commissions.

Captain to appoint souldiers armes.

To exercise 8 days yearly

3 Chiefe officers to punish disorders of souldiers

Souldiers how to be armed.

on penal. of sale.

And other inhabitants.

Wanting armes to carry pay to the Clerk to provide.

Poor how to be furnished with armes.

A52:p13

Persons exempt from training

A56:p12

A. 53.	<p>farmes or have a <i>ferry</i> to pass, shall be exempt from watching in the town, but shall watch and ward, as their <i>Chief Officer</i> shall direct otherwise, and all farms distant above four miles, from the place of exercising the Company, or have a <i>ferry</i> to pass over, that have above twenty acres of land in tillage, and twenty head of great Cattle upon such farms, shall upon Reasonable allowance to the Company have one man exempted from ordinary trainings.</p>
Clerk of the band.	<p>10. And it is Ordered, that in every town or Company there shall be chosen (as other military Officers are chosen) a discreet able man to be Clerk of the Band & if any shall refuse to accept the place, or to take his Oath, he shall pay to the use of the company <i>forty shillings</i> & the Company shall choose another, & all that refuse the place or Oath as aforesaid, shall pay <i>forty shillings</i> a peice, till one doth accept the place and he that doth hold the place, shall have a fourth part of the fines for his labour.</p>
To call Roll & attend on training dates.	<p>And the Clerk shall upon every training day, twice, once in the forenoon, as also in the afternoon, at such time as the Captain or Chief Officer then in the field, shall appoint, call or cause to be called over the lists of the names of all the Souldiers, & shall give attendance in the field all the day (except he have leave from his Captain or Chief Officer) to take notice of any defect, by absence of Souldiers, or other offences that may fall out in time of exercise; And the said clerk shall twice every year,</p>
To view the Armes	<p>view all armes & ammunition of the company, and take notice that every souldier be furnished according to this Law, to which end by direction of the Chief Officer, he shall give notice to the souldiers that upon such a training day appointed, they are required to bring, in the forenoon) all their armes & ammunition into the field, where they shall be approved or disallowed by the judgment of the said Chief Officer then in the field, & further the said Clerk shall once in the year at least survey the armes of of all other Inhabitants, & see that all, (except as before excepted) be provided in their houses with armes & ammunition, and upon every occasion he is required to use all diligence to view every mans armes whether they be compleatly furnished with all armes & ammunition as the Law requireth. And the said Clerk shall within</p>
Give notice to the Capt: of all defects within one week.	<p>one week after any default made, or defect observed, present a list of the names of all that are delinquent, and of their defects to the Captaine or Chief Officer of the company. And shall without partiality demand and receive all fines due for such defects according to this Law, which if any shall Refuse to pay, he shall make distress upon the goods of such persons, as shall not within <i>ten dayes</i> after their default be discharged, or have their fines mitigated by the Captain or Chief Officer of the company, unless the said Chief Officer shall see cause to Refer the judgment & determination of such default to the Major & Chief Officer of the Regiment at their meeting.</p>
To distribute within ten dayes	<p>And the Clerk shall with the advice of the Chief Officers of the Company, speedily lay out all fines received or levied, in <i>Ensign, Drums, Halberds, Canals, and wood for the watch</i>, or provide <i>under & armes for the poorer sort</i>, or otherwise as in their discretion they shall judge meet, for the use of the Company.</p>
To dispose of fines for use of the Company	<p>11. And for the better Ordering the <i>Militia</i> in the severall Towns, in cases of any suddain exigent, It is Ordered, That there be a <i>Committee of Militia</i> in every Town, and that the <i>committee of Militia</i> in <i>Boston</i>, shall consist of the Magistrates living in the town, the Chief Officer of the horse if living in town, and the Chief Officer of each Company of foot, or the greatest part of them, and in suddain exigents, any three of them may act, when due means being used, a greater number cannot be assembled, which Committee shall have a <i>Commission</i> of like tenour <i>Major Cotton</i> had granted A. D. 1645. Who in such cases have power to appoint a Militia watch, when they shall see cause for the safety of the Town and Country; And <i>Charlestown, Salem and Ipswich</i>, shall have the like Committee of Militia, who shall have like power by Commission: And for all other Townes, where there is one or more Magistrates the said Magistrate or Magistrates, with three chief Military Officers, and where no Magistrate, with three Deputy or Deputies of the General Court, with the three chief Officers of such Town, or any three of them, shall be the Committee of Militia for such Town, and have power in suddain exigents, to Order & dispose the Militia of their Town, for their own safety and defence, till further Order be taken, and upon Alarm, or any invasion to strengthen their quarters, and to hinder any approaching, or affrighting them, in any way of hostility by bearing Armes in Companies, or refusing upon such approaches to come under Command, or give an account what they are, and wherefore they are in such posture.</p>
A. 52. P. 14, & 53	<p>And</p>
Committee of Militia in severall towns	
Their power	

And every such Committee, where any such *alarm* shall be given or received, or shall be assaulted as aforesaid, is required with all possible speed to give intelligence to the next Magistrate and the *Major* of the *Regiment* where such *Alarm* is taken or assault made, of the reason thereof, and state of the place so assailed. And the said Major is hereby required to send forth to procure intelligence of the estate of any place so *Alarm'd* or assaulted, and to Order Assistance to them, from any other Company or Companies of his *Regiment*, as the Case shall require, & shall give constant intelligence to the *Governour* or *Council* of the Country and *Major General* of the state of such affairs with all Convenient speed. But no *Major* of any *Regiment* shall march with his *Regiment* out of the Country, wherein he hath Command, nor cause any part thereof so to do without Order from the *Generall Court*, *Council* of the *Common-wealth* or *Major General*, except it be in pursuit of the Enemy upon a rout. And in case of death or absence of the *Major* upon any such occasion of service, the eldest *Captaine* of the *Regiment* shall supply his place, til further Order be taken, and the seniority of all *Captaines* & *Chiefe Officers* of every Company in the severall *Regiments* shall be accounted according to the seniority of the Townes or Companies they Command, except the Commanders of the four companies of Boston, being of equal standing, the seniority of the *Captaines* shall be according to the priority of their *Commissions*.

It is Further Ordered, that henceforth all warrants for impressing & raising of souldiers, for any expedition, shall be directed to the *Committee of militia* of the severall Townes who may execute the same by the *Constable* & the said *Committee* are hereby impowred & required to suppress all raising of souldiers, but such as shall be by the Authority of this government.

And in all Townes where there are great *Artillery*, *forts* or *Batteries*, the *Committee of Militia* and *Select men* of the Town, shall mount such *Cannons*, and fit them with appertinances for service, and repaire such *Fortes* or *Batteries*, as they shall see necessary for the security of the Town, the Charge whereof, the *Select men* are hereby impowred and required to Levy on the estate of the Inhabitants, according to the proportion of the Country Rate to be Collected by the *Constables* of the said townes, for the use aforesaid.

12. It is Ordered that the *Military watches*, shall be set by *beat of Drum*. Half an hour after sun set, by the *Military Officers* in such places as they shall judg most convenient, and shall be Ordered and disposed by their Command and direction, and if any man shall shoot off a gun after the watch is set, (except in case of *Alarm*) he shall forfeit forty *shillings*.

The said watch or *Centinels* being set, shall examine all Persons, that shall come within their *Watch* or *Guard*, and all they suspect, they shall carry to their guard, there to be kept till morning, & before they be dismissed, they shall Carry them to their *Chiefe Officer*, to be examined and proceeded with according to Law, and if the *Centinel* or *Watch* shall meet with such persons, as shall be too strong for them or by their Carriage shall give just cause of suspicion or will not submit to their command, or if they shall either draw upon them or offer any such affront in words or actions, as shall put them in fear or hazzard of their lives, they shall discharge upon them and retire with speed to the guard, and raise an *Alarm*, provided alwayes that in time of peace, when the *Council of war*, or the *Chiefe Officers* of the Company shall not apprehend present danger by the nearnes of an enemy, it shall not be in the Liberty of any *Centinel*, to hazzard the killing of any person, except in his own necessary defence, but if the cause require it, he shall retire to the guard, and raise an *Alarm*, by discharging his *Musquet* and Crying *Arm Arm*, which shall be taken for an *Alarm* by the souldiers of that town, and if there appear danger to the *Chiefe Officer* he shall either strengthen his guard, or give a generall *Alarm*, which shall be either the distinct discharge of three *Musquets* or the continuall beat of the *Drum*

In case of Alarm.

To give notice to Major

Major to Order assistance

To give intelligence to Council & Major Gen

Major not to leave the County

Seniority of Captains

A. 53. A. 56. P. 12.

Committee to suppress

A. 54. p. 3

A. 55.

For the care of great guns and to repaire Forts

Military watches how set

Instructions & duty of Centinels

What shall be taken for an Alarm

Not answer- ing \$ Al. m. pen. 5 pound	or firing a beacon or the discharge of a peece of Ordinance, and two Musquets after it, any of which in the night, shall be accounted a generall Alarme, which every souldier is immediately to answer, by repairing Armed to his Colours, or Count of guard, upon the penalty of five pounds.
Smiths to re- pare armes	13. And upon any expedition, upon occasion of any enemy, or any present military service to be done, all Smiths and other needfull workmen, shall immediately re- pare such armes & other necessities as shall be brought unto them. for that end, for which they shall not refuse such pay, as the Country affords, upon the penalty of five pounds, for every such default, and for such neglect at any other time, more then ten dayes shall forfeit for every such offence ten shillings.
Penalty	14. The Surveyor General. shall yearly give an account of the Comon stock of Powder and Amunition to the Council; that the Generall Court, being by them informed, may out of the publick Treasury make a Constant supply, according to the need of the Country.
A. 56. P. 12.	15. Every Town shall be provided of a sufficient watch-house, under the penalty of five pound. and shall also provide at their own charges, a safe & convenient place, to keep all such Powder and Amunition in, as the cheite Military Officer by Order of the Generall Court shall appoint under the penalty of ten pounds. And the Select men of every town, shall provide for every fifty Souldiers, one barrele of good powder containing neer one hundred pounds, one hundred and fifty pounds of musquet bullets, and twenty eight pound of good match, and after that proportion for every Company of souldiers in number more or less, which they shall carefully renew from time to time as shall be needfull, under the penalty of five pounds, for the want of every Barrele of Powder, one hundred and fifty pound of Bullets, & eight and twenty pound of match, as before mentioned, and the Select men of every Town as aforesayd, are hereby Authorized to assesse their inhabitants for making the Provisions aforesayd, which shall remaine as a town stock, besides all other Provisions of that kind. [1649.]
Townes to provide watch-house & stock of powder and amunition.	16. It is C. lered by this Court and the Authority thereof. That no Troop of horse within this Jurisdiction, shall exceed the number of seventy Light souldiers besides Officers, And that the troopes Raised in the severall Countyes be under the command of the Majors, of the Regiment in the respective Countyes, and all priviledges formerly granted to encourage troopers, shall be continued, except free ferrriage and free Commonage in divided & appropriate Comin ons, And every troop Consisting of forty shall have Liberty of nomination of all Officers to be allowed and Confirmed by the Countie Courts as the foot Officers, and the three cheife Officers to have Commissions.
A. 56. P. 1.	And every Trooper shall keep alwayes a good Horse, and be well fitted with saddle, bridle, holsters, Pistols or Carbines and Swore under the penalty of ten shillings, for every defect, & having Listed his Horse, shall not charge or put him off, without Licence from his Captaine or Cheife Officer, under the like penalty. And every Trooper shall attend fix dayes exercise yearly, at such time and place as shall be appointed by the cheif Officer, under the penalty of five shillings for every default, to be levied and distreined by the Clerke of the Troop, who is hereby required to execute the place, as the Clerkes of the foot companies mutually maintain. And because the Troopers living remote, do often avoyd their penalties, or occasion much travaile and charge to the Clerke to collect the same, It is Ordered that the Clerkes of the troopes for thir charge and travaile in levying all fines, shall be allowed the fees of the Marshall, to be by him Levied and distreined, together with the fines, Provided no such distrels be made within one month after the default, that the parties may have Liberty to present their excuses, to the Officers who have power upon just cause, to abate or remit the fines as the Officers o. the foot have in like cases.
Troop not exceed 70	
To be under Majors com.	
A 54. P. 1	
A. 56. P. 12.	
Troopers how to be furnished.	
To exercise fix dayes yearly	
Clerke his fee.	

And

And in case of *Alarme*, every Troope shall fit himselfe in all respects for service, and shall speedily repair to the guard, in the Town where he dwells, under the penalty of *five pounas*, and shall duely attend such service, as the Committee of *Militia* of that town shall require until he shall otherwise be Comanded by Order from his Capitaine or other *superiour Officer*, And no Officer of any foot Company shall be a listed Trooper; And no Troop shall be drawn out of the County upon any pretence, by the Capitaine and Officers thereof (except in pursuit of an enemy upon a rout) but by Order of the *Major Generall*. And the *Captaines* of horse and of foot respectively, the *Majors* of the *Regiments* and the *Major Generall* are required in their respective Charges, to take Care the military Orders respecting foot & horses be duely executed & observed. [1645, 47, 48, 52, 53, 54, 55, 56]

Also it is Ordered, That no Trooper put off or change his horse, without leave from his Commander, under the penalty of *five pounas*, and that for non-appearance on dayes of exercise, the fine shall be *ten shillings*, and that no Trooper being listed, may at his pleasure disband himself, without leave orderly obtained from his Commander, and returned by certificat to the Commander of the foot, in the Town to which they belong, under the penalty of such a fine, as his Chief Officer shall impose, not exceeding *fifty shillings*.

Mines.

FOR encouragement of such as will adventure for the discovery of Mines, It is Ordered by this Court, That whosoever will be at the charge, for the discovery of any Mine, within this Jurisdiction, shall enjoy the profits thereof, with a fifth proportion of Land to the same, for twenty one yeares to their proper use, and also that such persons shall have liberty to purchase the interest of any of the Indians in such lands where such Mines shall be found, provided they shall not enter upon any townes or persons propriety without his leave. [1641.]

2. And any Inhabitant within this Jurisdiction, that shall have or find any kind of Mine or Mines whatsoever, in any of their own proprieties, the whole benefit and profit of such Mines are due & shall belong to such Proprietor of land where in such mine shall be found, to them & to their heirs for ever, as any part of their lands mine, or profits whatsoever, paying onely the fifth part of gold & silver Ore, according to proviso made on that behalf.

Money.

IT is Ordered by this Court and the Authority thereof. That a Mint house be Erected at Boston, and that the Master of the sayd Mint and all the Officers thereof shall be Sworn and allowed by this Court, or by such as shall be Authorized by this Court for that purpose. And all persons whatsoever have liberty to bring into the sayd Mint, all *bullion*, plate or *spanish Coy*, there to be melted, and brought to alloy of sterling Money, by the Master of the said Mint and his Sworne Officers from time to time, by him or them to be Coynded into twelve penny, six penny and three penny peices, which shall be stamped with a double Ring on either side with this inscription *MASSACHUSETTS*, & a tree in the center on the one side, *NEW ENGLAND* with the year of our Lord, and the figure XII. VI. III. according to the Value of each peice on the other side, together with a privy mark, which shall be appointed every three months by the Governor, and known onely to him and the sworn Officers of the mint.

And further the master of the mint aforesaid, is hereby required, to coyn all the said money of good silver, of the just alloy of new sterling English money, and for value two pence in the shilling of lesser value then the present English coyn, and the lesser peices proportionably: and all such coyn as aforesaid, (and no other, except English) shall be acknowledged to be the currant money of this Common-wealth, and to pass from man to man in all payments accordingly within this Jurisdiction, And the Mint master for himself and officers, for

A. 53.

How Troops are disposed in case of Alarme.

No Troops to be drawn out of County.

Troopers penalty.

L.2. p.11

Discoverers of mines to enjoy 5 profits for a year

A. 52. P.

12.

Mint house at Boston

Stamp of the Coy

Value of the Coyn

Allowance
for Coynage

Weight of
Coyn

Mint master
& Officers
to be sworn

A. 54. p. 5

Exportation
of coyn pro-
hibited: on pain
of forfeiture
of estate

Searchers to
be appointed

To take an
Oath

No Oath but
what is im-
posed by the
Genl Court.

Officers oath
how long
lasting

A. 52. p. 9

Strangers to
swear fidelit.
to this Go-
vernment

their paines & Labour in Melting, refining and Coynage is allowed by this Court to take one shilling out of every twenty shillings, which he shall Stamp as aforesayd, & it shall be in the liberty of any person who brings into the Mint house any *but on*, plate or Spanish Coyn, to be present and see the same melted, refined and alloyed, and then to take a receipt of the *Master of the Mint* for the weight of that which is good Silver alloyed as aforesayd, for which the *Mint Master* shall deliver him the like weight, in Currant Money. *viz.* Every shilling to weigh three pence Troy weight & lesser peices proportionably, deducting allowance for coynage as before is expressed. And it is further Ordered, that a Committee be chosen by this Court to appoint a *mint house* in some convenient place in Boston and to approve and swear the *master* & all the Officers, and to order & determine what shall further appear necessary to carry on this Order to effect.

2. And it is further Ordered, That no Inhabitant of this Jurisdiction, or stranger, shall from henceforth send, carry or transport out of this Jurisdiction, by Sea or by Land, directly or indirectly, any of the money that hath been or shall be Coyned in this Jurisdiction; except twenty shillings for necessary expenses, on penalty of Confiscation. not only of such money soeveyed, but also all the visible estate of him that shall any way be found, sending or exporting any of the coyn aforesaid, one third part whereof, shall be to the use of the informer and Officer, the other two thirds to the Country. And that this Law may be better observed, The County Courts shall from time to time, as there shall be need in *Leiston, Charlestown, Salem, Ipswich, Pascataquay, Isles of Shoales, Sudbury*, and other needfull places, appoint & authorize meet persons as searchers, to examine & search all persons, vessels, packs, trunks, chests, boxes or the like, that shall be transporting out of this Jurisdiction, who finding any Money shall seize the same, and forthwith informe the next Magistrate thereof, who shall issue out his warrant for the present seizure of the whole visible estate of the Party so transporting contrary to this Law, for the use of the Commonwealth, & for the parties searching or informing as is above expressed & it is further declared that all such *Masters, Mariners or other Persons*, that shall be found to be privie or consenting to the exporting of any of the Coyn aforesaid out of this Jurisdiction, or they shall for every such offence forfeit the sum of twenty pounds a peice to be to the uses aforesaid, and the severall searchers shall take the Oath appointed for searchers, only in stead of halfe, a third part to be inserted, and in stead of certifying the Auditor Generall, to insert to Certify the next Magistrate.

[1652. 54]

Monopolies.

It is Ordered, Decreed and by this Court Declared, That there shall be no Monopolies graunted or allowed amongst us, but of such new inventions that are Profitable to the Country, and that for a short time [1641.]

Oaths Subscriptions

It is Ordered and by this Court declared, that no man shall be urged to take any Oath or subscribe to any Articles, Covenants or Remonstrances, of publick and Civil nature, but such as the Generall Court hath Considered, allowed and required, and no Oath of any Magistrate or of any Officer, shall bind him any further or longer, then he is bound or Reputed an Inhabitant of this Jurisdiction. [1641.]

2. For as much as divers Inhabitants of this Jurisdiction who have long continued amongst us, receiving Protection from this Government, have as we are informed uttered Offensive speeches, whereby their fidelity to this Government may justly be suspected, and also that divers Strangers of foreign parts do repaire to us of whose fidelity we have not that Assurance which is Commonly required of all Governants.

It is therefore Ordered by this Court and the Authority thereof. That the County Courts or any one Magistrate out of Court, shall have power and is hereby Authorized to Require the Oath of fidelity of all settled Inhabitants amongst us, who have not that

not already taken the same, as also to Require the Oath under written, of all strangers, who after two months have their abode here; And if any Person shall refuse to take the Respective Oath, he or they shall be bound over to the next County Court or Court of Assistants, where if he shall Refuse, he shall forfeit *sive* Pound a week for every week he shall Continue in this Jurisdiction after his sayd Refusal, unless he can give sufficient security to the satisfaction of the Court or Magistrate for his fidelity, during his or their residence amongst us.

You A. B. Do acknowledge your self Subject to the Lawes of this Jurisdiction during your Residence under this Government, and do here Swear by the Great Name of the Everliving GOD, and ingage your self to be true and faithfull to the same, and not to plot, contrive, or conceal any thing that is to the hurt or detriment thereof. [1652]

Strangers
Oath.

Oppression.

FOR avoiding such mischiefs, as may follow by such ill disposed persons, as may take liberty to Oppress and wrong their neighbours, by taking excessive wages for their work, or unreasonable prizes, for such merchandizes or other necessary commodities, as shall pass from man to man, It is Ordered, That if any man shall offend in any of the said cases, he shall be punished by *sive* or imprisonment, according to the quality of the offence, as the Court to which he is presented, upon lawfullitryall & conviction, shall adjudg. [1635]

Payments.

IT is by this Court Ordered and Declared, That all contracts and engagements, for money, corn, cattle, or fish, shall be satisfied in kind according to Covenant, or in default of the very kind contracted for, in one of the said kinds, Provided that in such cases, where payment in kind is not made according to covenant; all just damages shall be satisfied (together with the debt, for not paying in kind, according to bargain; And in no case shall any Creditor, be forced to take any other commodity for satisfaction of his debt, unless it be according to his Contract, but it shall be lawfull for such Creditor to imprison the partie, till he make satisfaction according to Covenant, or to take upon execution such goods, houses or lands, as shall be to his satisfaction, any Law, Custom or usage to the contrary notwithstanding. [1654]

A.54.p.3

Debts to be
paid in the
kind contract

Petitions.

IT is hereby Ordered, That all Petitions to the General Court, which are of a Common and ordinary nature, the petitioner shall pay on the delivery thereof to the Secretary or Clerk *ten shillings six-pence*, for each petition, and all petitions for abatement of fines, mitigation of penalties &c: shall pay unto the Clerke or Secretary as aforesaid, *ten shillings*, and all petitions for gratuities, or that concern Controversies between partie and partie, Town and Town, shall pay *ten shillings*, and all petitions for debts, or other controversies between partie and partie, brought from inferiour Courts, shall pay *ten shillings*, besides the Charges of the Court, during the tryal of such cause.

L.2.p.13

Payment for
entering peti-
tions in the
Gen: Court.

And henceforth no petition whatsoever, shall be received into the General Court, after the first four dayes of the Court of Election, nor after the first week of any other Session. Nevertheless it is hereby Ordered, That all such petitions, that concern any ingagement of the Country to any person, are hereby exempted; And that any Magistrate or Deputie of the Court, may present any petition, wherein his own personal right is concerned, without payment, and that there shall be a true entry made, by the Secretary of the number of petitions, that shall be delivered to the Magistrates & the like account shall be kept by the Clerke of the deputies, of all petitions received by the deputies & all such fees, as are produced by such petitions, shall be Received or secured by the Secretary or Clerke, and discounted in part of their annual allowance. [1648. 3.]

A.54.p.1

Time of ent.

Petitions ex-
empt from
payments

Secretary &
Clerke to re-
ceive & pay

W/bureau

Pipestaves.

W Hereas information hath come to this Court, from forreigne parts, of the insufficiency of our Pipestaves. especially in regard of worm-holes, whereby the Commodity is like to be prohibited in these parts to the great damage of the Country,

It is therefore Ordered by this Court and the Authority thereof, that the select men of Boston, Charlestown, Salem, Dover, Portsmouth, Kitterie, & all other Townes in this Jurisdiction, where pipestaves use to be shipped, shall forthwith and so from time to time, as need shall Require, nominate two men of each Towne, skilful in the Commodity, and such as can attend the service, to be reviewers of pipestaves, who so chosen, shall by the Constable be conveyed before some Magistrate, to be sworne diligently and faithfully to view and search all such Pipestaves as are to be transported to any parts of Spain, or beyond or within either of their dominions, or elsewhere to be used for making of tight Caske, who shall Cast by all such, as they shall judge not Merchandisable, both in respect of worm-holes, and also of the length, that are not in Length four foot and halfe, in breadth three inches and halfe without sap, in thickness three quarters of an inch, & not more or less then an eighth part of an inch, then three quarters thick, well and evenly bewed and sufficient for use. And they or some one of them shall at all times upon request, give attendance, and they shall enter into a book the number of all such Merchandisable pipestaves as they shall approve, and for whom. And if any man shall put aboard any ship or other vessel any pipestaves, other then shall be so searched and approved, to the end to be transported to any part of Spain or Portugal, except they should be shipped for dry Caske he shall forfeit the same whole parcel or the halfe thereof, and the sayd viewers shall be allowed two shillings for every thousand of Pipestaves, which they shall so search as well the Refuse as the Merchandisable, to be paid by him that sets them on work.

And if any Master or other Officer of any Ship, or other vessel, shall receive into such ship or vessel, any parcel of Pipe Staves, to be transported into any of the sayd dominions, which shall not be searched, and allowed as Merchandisable, and so Certified by a note under the hand of one of the sayd viewers, such Master shall forfeit for every thousand of pipestaves so unduly Received five pounds, except he can procure one of the sayd Viewers to come aboard and search such such Staves as they shall be delivered into the ship. Provided cast or Refuse Staves or other red Oak-staves may be transported into these parts (which may be of good use for dry Caske) so as the same be Carried in distinct Parcells, & not intermixed with Merchandisable Staves. [1646.]

Poor.

It is Ordered by this Court and the Authority thereof. That any shire Court or any two magistrates out of Court, shall have power to determine all differences about Lawfull settling and providing for poor persons: and shall have power to dispose of all unfettered Persons into such townes as they shall judge to be most fitt for the maintenance & employment of such persons and families, for the ease of this Country. [1639.]

And for the avoiding of all future inconveniences referring to the settling of poor People that may need release from the place where they dwell.

It is Ordered by this Court and the Authority thereof. That where any person with his family or in Case he hath no family, shall be Resident in any town or peculiar of this Jurisdiction for more then three months without notice given to such person or persons by the Constable or one of the Select men of the said place, or their Order; That the Town is not willing that they should remain as an Inhabitant amongst them; And in Case after such notice given such person or persons shall notwithstanding remain in the said place, if the Select men of the sayd place shall not by way of Complaint petition to the next County Court (sit at shire for release in the sayd case, and the same prosecuted to effect, every such person or persons as the Court may require

Searchers of pipestaves.

Sworne

Affire of pipestaves

Pipestaves that are to be sold

Searchers allowed

Masters of ship receiving such Staves

Dry Caske Staves

Every second year.

may require) shall be provided for and Relieved in case of necessity, by the Inhabitants of the said place, where he or shee is so found, and it is further Ordered, that each County Court shall from time to time, hear & determine all complaints of this nature, and settle all poor persons according to directions of this Law in any town or peculiar within this Colony, and every such person or persons shall accordingly be entertained and Provided for, by the Select men or Constable of the sayd place at a Town Meeting, and in case any Town or Peculiar shall find themselves agrieved at such disposure of the County Court, they may appeal to the next Court of Assistants and where any person or persons cannot according to this Law be settled in any Town or Peculiar, they shall then be placed in any town of that County wherein they are found, according as the County Court shall appoint & their Charges satisfied unto them by the County Treasurer.

Possession.

THE Court taking into consideration the great neglect of many persons in the Infancy of these Plantations, to observe any due Order, or Legall course for the conformation of such sales and alienation of houses and lands, as have passed from man to man, which thing may severall wayes be of very evil consequence to posterity.

Doth therefore Order and hereby Enact, that any person or persons that hath either himselfe, or by his grantees or Assignes, before the Law made for direction about inheritances, bearing date October twenineteenth, one Thousand six hundred & fifty two, possessed & occupied, as his or their own proper Right, in fee simple, any houses or Lands within this Jurisdiction, & shall so continue, whether in their own persons, their heires or Assignes or by any other person or persons, from by, or under them, without disturbance, lett, suit, or denyall Legally made, by having the claime of any person thereto, entred with the Recorder of the County where such houses or Lands do ly, with the names of the person so claiming, & the quantity, bounds of the Lands or houses claimed, and such claime prosecuted to effect, wthin the tyme of five years, next after the twentieth of this present May one Thousand six hundred & fifty seven, every such Proprietor, their Heires and Assignes shall forever after enjoy the same, without any Lawfull lett, suit, disturbance, or denyall, by any after claime of any person or persons whatsoever, any law or custome to the contrary notwithstanding, and for all bargaines or alienations made, or to be made, after the afore said time, that every Person concerned therein, observe the directions given in the above Recited Law, upon perill of suffering all the damage, that shall accrue to them, their Heires and Assignes by neglect thereof. [1657]

A. 58. P.
22.

Title to In-
heritances
limited with
five yeares.

Porters.

THERE being a very great abuse in the Townes of Boston and Charlestown, by Porters, who many times do require and exact, more then is just and righteous for their Labours, It is Ordered by this Court, That from henceforth the Select men of the said Townes, from time to time, shall have power to regulate in this case, and to settle their wages, as in their understanding shall be most just, and equal, as also to determine what persons shall be employed therein. [1655]

A. 56. P.
10.

Porters to be
ordere, by
select men.

Pound, Pound-breaks.

FOR prevention, and due recompence of damages in Corn-fields, and other inclosures, done by Swine and Cattle, It is Ordered by this Court, and Authority thereof, That there shall be one sufficient pound, or more, made and maintained in every Town and village within this Jurisdiction, for the impounding of all such Swine and Cattle, as shall be found in any corn-field, or other inclosure. And who soever impounds any Swine or Cattle, shall give present notice to the owner, if he be known, or otherwise, they shall be Cryed at the two next Lectures or markets, and if Swine or cattle escape out of pound, the owner if known, shall pay all damages according to Law. And every person or persons, having notice given, or otherwise left in writing at their house, or place of their usuall abode, of any of their

Pound in e-
very Town.

A. 57. P.
24.

Catt.

Cattle impounded
to be Relieved or
discharged

Cattle impounded or otherwise restrained, shall forthwith give satisfaction to the party to whom wronged, or otherwise Relieve their Cattle, and Prosecute the same according to Law, upon Perill of suffering all the loss and Damage that shall Come to their Cattle, by standing in the Pound, or other Lawfull place of restraint. [1645. 47. 57.]

Refuses and
pound breach
line, or

2. And if any person shall Resist or Rescue any Cattle going to Pound, or shall by any way or means convey them out of Pound, or other Custody of the Law, whereby the party wronged may lose his damages, & the law be deluded, that in case of meer Rescues, the party to Offending, shall forfeit to the Treasury forty shillings. And in case of pound breach five pounds. & shall also pay all damages to the party wronged, and in the Rescues, any bodily harme be done to the person of any man or other Creature they may have Remedy against the Rescuers, and if either be done by any not of Ability to answer the forfeiture and damages aforesaid, they shall be openly Whipped by warrant from any Magistrate, before whom the Offender is convicted, in the Town or plantation where the Offence was committed, not exceeding twenty lashes for the meer Rescue or pound breach; And for all damages to the party they shall satisfy by service as in case of theft. And if it appear there were any procurement of the owner of the Cattle thereunto, and that they were abettors therein, they shall pay forfeiture and damages, as if themselves had done it. [1647]

Powder.

A. 52. p. 3

Powder imported
to be entered & the
publ. Notary

VHERAS by favour of the Government in England, several quantities of Powder, and other Ammunition, are yearly Imported into this Jurisdiction, for our necessary use and defence. To the end, the favour we receive, may not be abused, nor our selves deprived of the just and necessary use thereof, It is hereby Ordered and Enacted, That all Merchants or others, that shall import into this Jurisdiction, either powder, lead, bullets, shot, or any ammunition whatsoever, shall give particular notice of the quantity thereof, to the publick Notary, upon the pain and penalty of forty pounds, within one month after the landing of such goods, who is hereby enjoined to take particular notice of the same, with the mark & number, and faithfully to enter the same in a book, and the names of the persons to whom they are sold, or into whose custody or power they are committed, that he may give account thereof, upon Oath to the Governour, Deputy Governour, or any of the Council from time to time, and the said Notary is hereby prohibited upon the penalty of one hundred pounds, to grant Certificate to any Merchant or other, of any such goods but such as he shall have particular notice of, & entered as aforesaid. And to the end this Order may be duly observed, and that no person may plead ignorance thereof, It is hereby Ordered, That the Captain of the Castle, shall upon the arrivall of any ship or vessel, in the Massachusetts Bay from any foreign parts, give notice of the Contents of this Order, to the Master or Merchant of any such vessels, and the Constables of all other Port townes in this Jurisdiction, are hereby required to do the same.

1651.

L. 1. p. 45

Searchers
for powder
exporting

Prisoners carried
at their
own charge.
A. 52. p. 6.
House of correction
in each County

2. And it is further Ordered, That no Person (except for the defence of themselves and their vessels at Sea) shall transport any Gunpowder out of this Jurisdiction, without License first obtained, from some two of the Magistrates, upon penalty of forfeiting all such powder, as shall be transporting or transported, or the value thereof; And that there may be no defect for want of an Officer to take care herein, This Court, the Court of Assistants, or any Shire Court, shall appoint meet Persons, from time to time in all needfull places, who have hereby power granted them, to search all persons & vessels, that are or any way may be suspicious to them, to be breakers of this Order, and what they find in any Vessel or hands without License, as aforesaid, to take the same, and to keep the one half to their own use, in Reason peace or their paymes, and to deliver the other half forthwith unto the Treasurer. [1645, 51]

Prescriptions.

It is Ordered, Decreed, and by this Court Declared, That no Custom or Prescription, shall ever prevail amongst us in any thing, the Court meaning is, to maintain any thing, that can be proved to be morally natural by the word of God. [1641]

Prisons, Prisons, House of Correction.

It is Ordered, that such Malefactors as are Committed to any common Prison, shall be conveyed thither at their own charge, if they be able, otherwise at the charge of the County. [1645]

2. For Prevention and Relief of many unseemly and evil practices, daily increasing, It is Ordered, that there shall be in each County, a House of Correction, provided in each County, at the Counties charge, to be kept, ordered and in proved as the Magistrates in each County Court or Court of Assistants shall agree & direct. And

3. And it shall be in the Power of every County Court to make use of such *Prison*, as is at present Erected in the County, for an *house of Correction*, till houses of *Correction* be provided and finished. Also to provide and Authorize the *keeper* or some *meet person*, to be *Master of such house* as they shall Judge meet, and the Select men of the Town, where such house is appointed, shall procure in the most Prudent way, some Competent stock of *Iron, Wax, or other Materials*, and upon account to Commit the same, into the hand of the *Master of the House*, to be employed at his discretion by the Labour of such delinquents, as shall be Committed to him by Authority, and the stock being in Value or kind preferred, to such as put in the same, all the benefit attained by the Labour of the person Committed, shall be to the use of the *Master*, allowing only so much as will keep the delinquent, with necessary *Bread and water*, or other mean food out of the same, or six pence out of the *shilling* earned by his or her Labour; And at the first coming into the House of *Correction*, the *Master* thereof or any he shall procure, or the *common Corrupter*, Residing in the Town, shall lay every delinquent exceeding ten *Stripes*, & after shall employ him or her by duely stint, and if the party be *stubborn disorderly or Idle* & not performe their task & that in good Condition, the *Master* shall *Correct* them or *strip* them of their *freedom*, as the Cause shall Require, till they are brought to some meet Order; And it shall be in the power of one Magistrate to Commit *Idle persons*, or *stubborn persons* against such as have Authority over them *Kennel-walkers*, *common Drunkards*, *Puffers*, *common night-walkers*, & *wanton persons*, as tending to *uncleanes in speech or action*, &c: And it shall not be in the power of the *Master* to deliver out of the house of *Correction*, unless he hath a discharge or warrant under the hand of a Magistrate, and if the delinquent be Committed by the Court, not to be delivered but by Order of the Court, or under the hand of the greater part of the Members of the Court. [1646. 55. 57.]

Protestation. Contra Remonstrance.

IT is Ordered and by this Court Declared, that it is, and shall be, in the liberty of any Member or Members of any Court, Council or Civil Assembly, in cases of making and executing any Order, or that properly concerneth Religion, or any Cause Capital, or *warrs*, or *subscriptions* to any publick Article or *Remonstrance*, in Case they cannot in Judgment and Conscience Consent to that way the *Major vote* or *suffrage* goes, to make their *Contra Remonstrance* or *Protestation* in *speech or Writing*, & upon their Request, to have their dissent Recorded in the *Rolls* of that Court, so it be done *Constantly* & *respectively* for the manner, and the dissent only be entered without the reasons thereof for avoiding tediousness. [16. 1.]

Punishment. Torture.

IT is Ordered, and by this Court Declared, that no man shall be *twice sentenced* by Civil Justice, for one & the same *Crime Offence or Trespass*, and for *bodily punishment*, we allow amongst us none that are *inhumane, barbarous or Cruel*. And no man shall be beaten with above *fourty stripes* for one fact at one time, nor shall any man be punished with *whipping*, except he have not otherwise to answer the Law, unless his Crime be very shamefull, & his course of Life *Vicious and profligate*. And no man shall be forced by *Torture* to confess any crime against himselfe or any other, unless it be in some capital case, where he is first fully Convicted by clear & sufficient evidence to be guilty, after which if the case be of that nature, that it is very apparent, there be other *conspirators or confederates* with him, then he may be *Tortured*, yet not with such *Tortures* as are *barbarous & inhumane*.

Records. Records Clerks.

WE HERAS Records of the Evidence, whereupon the Verdict and Judgment in cases doth pass, being duely entered and kept, would be of good use, both for *revisers*, & to such as shall have just cause to have their cases reviewed. It is therefore Ordered by this Court and the Authority thereof. That every Judgment

A. 57. P. 25.

Court. Courts to appoint a Master

Select men to provide materials to work. A

Masters fees.

Delinquents to be Corrected & kept to work

One Magistrate may commit to House of Correction

Liberty to enter a dissent in cases in Court.

None punished twice for one offence.

L. 1. P. 50

Not above 40 stripes

No torture before conviction.

A:52p13

L:p.15.

Evidence to
be given in
writingTo be kept
on file.

A:57:p21.

Recorder
1200.

L:2:p:7.

Births/Death
RegistersParents Mar-
ried &c. to
certify the
Clerke.Perato of
not certifyingA 54:P:
24.Clerk to re-
turn a birth
de th &c.
to County
Court.

L.1.P:47

given in any Court. or by one Magistrate, or by Commissioners, shall be Recorded in a book and all the evidences, (which are to be given in, in writing, in fair and large papers,) shall be kept, and the party for whom such evidence is brought, shall pay to the Recorder or Clerk of the Court for *Long & safe keeping the same*, two pence for each evidence, and the fore-man of every jury, shall faithfully deliver up all such Testimonies or other Writings Committed to them, unto the Recorder or Clerk of the Court, when they give in their Verdict in every Case, And the fees of the Recorder or Clerk of every County Court shall be as followeth for Transcribing a copy of any evidence for every page consisting of eight and twenty or thirty lines, eight words in a Line twelve-pence, and proportionable to eight pence a page for what it doth exceed, for entry of a mortgage or sale of houses or Lands verbatim, not exceeding a page as aforesayd twelve pence, and proportionable to eight pence a page for what it doth exceed, and for attesting the Return on the Originall deed, six-pence, and in like manner for Wills & Inventories, with six-pence a peece, for filing up the Originall & safe keeping thereof, and for entering an Order for the determining of an estate of such as dyed intestate, or other, wherein the Court is to give their approbation or determination twelve pence, & for entry of the examination & proceedings of this Court in any criminal cases or pre-nimment, with the Judgment of the Court therein two shillings & six pence, and for entry of a Recognizance twelve pence, to be payd or secured in Court by the delinquent party, & for entering a Judgment acknowledged twelve-pence, and for Entry of an Action One shilling Six Pence, and a judgment thereupon, Six Pence, and for making an Execution Two Shillings.

2. It is Ordered, that the Clerk of the Writs in the several Towns, shall Record all Births & Deaths of persons in their Towns, and for every Birth and Death they lo Record, they shall be allowed Twelve-pence, and they shall yearly deliver in to the Recorder of the Court, of the Jurisdiction where they live: a true Transcript thereof, together with so many pence as there are Births or Deaths to be Recorded. And all Parents, Masters of servants, Executors or Administrators respectively, shall bring into the Clerk of the Writs in their several Towns, the names of such persons belonging to them or any of them, as shall either be borne or dye. And also every new Married Man, shall likewise bring a Certificate under the hand of the Magistrate which Married him, unto the sayd Clerk to be by him Recorded, who shall be allowed three pence for the same, and the sayd Clerk shall deliver as aforesayd, unto the Recorder a Certificate with a penny a name for Recording the sayd Marriage. And if any person shall neglect to bring a note or certificate as aforesaid, together with three pence a name, to the said Clerk of the Writs to be Recorded, more then one month after such Birth, Death, or Marriage, he shall pay twelve pence to the sayd Clerk, who shall demand the same, and in case any shall Refuse to satisfy him, he shall then Returne the name of such person or persons, to the next Magistrate, or Commissioners of the Town where such person dwells, who shall send for the partie so Refusing, and in case he shall still persist therein, shall give Order to the Constable to Levy the same, and if any Clerk of the writs, shall neglect his duty hereby enjoyned he shall pay the following penalties: viz: for neglecting a yearly Return to the County Court, five Pennes, and for neglect of Returning the name of any person Returnable, by this Order, whether Borne, Married or Dead more then thirty dayes before his Return to the County Court, five shillings, and that no neglect may be hereafter for the future, the Clerk of each County Court, is hereby enjoyned from time to time, to certify the County Courts Respectively, the names of all such Clerkes of the writs who shall neglect to make their Yearly Returne, according to th's law, who upon such notice given, shall send for such clerks and doe in the case as the Law Requireth.

3. It is Ordered and Declared, that every man shall have liberty to Record in the publick

the publick Rolls, of any Court, any Testimony given upon Oath, in the same Court or before two Magistrates, or any deed or evidence Legally Concerned, there to remain in perpetuum in memoriam. And that every Inhabitant of the Country, shall have free Liberty to search & view any *Records, or Registers*, of any Court or Office, except of the Councell, and to have a transcript or Exemplification thereof written, examined and signed by the hand of the Officer, paying the accustomed fees; And if any person or persons repairing to any publick Officer of this Jurisdiction, to view any *Records or Writings* committed to his charge, shall Willingly and Willingly deace or rent any such *Records or Writing*, upon Complaint of such Officer to any Magistrate, and proof by Oath of the said Officer, or other sufficient Witnesses, every person so Offending, shall forfeit by the party concerned therein, treble the damage that might have ensued, or accrued to him or them, thereby, & shall also be fined as much to the Country, or suffer *two months imprisonment* without Baile or main-prize, or stand in the Pillory two houres in Boston Market with a paper over his head written in Capital Letters. A DEFACER OF RECORDS, the speciall or particular Punishment to be determined by the next County Court where the Offence was Committed, and shall also stand Bound to the Good behavior during the pleasure of the Court. [1639. 42. 43. 44. 47. 52. 57.]

Replevin.

IT is Ordered and by this Court Declared, That every man shall have liberty to Replevie his Cattle or goods impounded, distreined, seized or extended, unless it be upon execution after Judgment & in payment of fines. Provided he puts in good security to prosecute the replevin, & to satisfy such demand, as his adversary shall recover against him in Law. [1641.]

Sabbath.

UPON information of sundry Abuses and Misdemeanours Committed by divers Persons on the Lordsdays, not only by Children playing in the Streets, and other places, but by Youths, Mayds, and other persons, both Strangers and others, uncivilly walking in the Streets and fields, travelling from town to town, going on Ship-board, frequenting common houses, and other places to drink, Sport, or otherwise to misspend that precious time, which thing tends much to the dishonour of God, the Reproach of of Religion, grieving the soules of Gods servants, and the Profanation of his holy Sabbath, the Sanctification whereof, is sometimes put for all duties, immediately respecting the Service of God contained in the first Table.

It is therefore Ordered by this Court and the Authority thereof, That no Children, Youths, Mayds or other Persons, shall Transgress in the like kind, on penalty of being Reputed great provokers of the high displeasure of the Almighty GOD, and further incur the penalty hereafter expressed, viz: That the Parents and Governours of all Children above seven yeares old, (not that we approve younger Children in evil) for the first offence in that kind, upon due proof before any Magistrate, Commissioner or Selectman of the Town, where such offence shall be committed, shall be admonished; for a second offence upon due proof as aforesaid, shall pay as a fine five shillings, and for a third offence upon due proof as aforesaid, ten shillings; and if they shall again offend in that kind, they shall be presented to the County Court, who shall augment punishment according to the merit of the fact. And for all youths and mayds above fourteen yeares old, and all elder persons whatsoever, that shall offend, and be convicted as aforesaid, either for playing, uncivil walking, drinking, travelling from Town to Town, going on ship-board, sporting, or any way misspending that precious time, shall for the first Offence be admonished, upon due proof as aforesaid, for a second Offence shall pay as a fine five shillings, & for the third offence ten shillings, and if any shall further Offend that way, they shall be bound over to the next County Court, who shall augment punishment according to the nature of the Offence, and if any be unable or unwilling to pay the aforesaid fines, they shall be whipped by the Constable

Liberty to record Testimonies and evidence.

to view public records.

A: 52: p: 9

penalty of defacing records.

A: 53: p: 18.

Profanation of the Sabbath.

Penalty.

not exceeding Five Stripes, for Ten Shillings fine and this to be understood of such Offences, as shall be Committed, during the Day Light of the Lords Day. [1653.]

A. 52.

Drinking in Ordinaries after Sun set

Penalty.

2. Whereas by too sad Experience, it is observed, the Sun being set, both every Saturday, and on the Lords Day, young people and others take Liberty to walk & Sport themselves in the streets or fields in the several Townes of this Jurisdiction, to the dishonour of God and the disturbance of others in their Religious exercises, and too frequently repair to publick houses of entertainment and there sit Dr.inking, which tends not onely to the hindring of due preparation for the Sabbath, but as much as in them yeth, renders the Ordinances of God unprofitable, and threatens the rooting out of the Power of Godliness, and procuring the wrath & Judgment of God upon us & our posterity, for prevention whereof. It is Ordered by this Court and the Authority thereof, That if any person or persons henceforth, either on the Saturday night, or on the Lords day night, after the Sun is set, shall be found sporting in the streets or fields of any town in this Jurisdiction, Drinking, or being in any house of publick entertainment (unless strangers or Sojourners in their Lodgings and cannot give a satisfactory Reason to such Magistrate or Constable, in the several Towns, as shall have the Cognizance thereof). Every such Person so found Complained of and Proved Transgressing, shall pay Five Shilling, for every such Transgression or Suffer Corporall punishment, as Authority Aforesayd shall Determine. [1658.]

Sailers.

L. 2. P. 14

VV HEREAS many Miscarriages are Committed by Sailers, by their immoderate Dr.inking and other vain expences in Ordinaries, which oftentimes occasions prejudice and damage to the Masters and Owners of the vessels, to which they belong, their men being oftentimes arrested for debts so made when their ships are ready to set sayle, for prevention whereof. It is Ordered by this Court and the Authority thereof. That no Inkeeper, Victualer, or other seller of Wine, Beer or strong Liquors, shall after publication hereof, arrest, attach, or Recover by Law any Debt, or debts so made by any Sayler or Saylers as aforesayd, except the Master or owner of such Ship or Vessel, to whom such Sailers Belongs, have given under his hand to discharge the same, any Law, use or Custome to the contrary notwithstanding.

Salt.

Salt to be measured.

UPON information given to this Court, of great damage accruing both to Merchants and others, by reason no meet persons are appointed for to Measure Salt from such ships as Arrive in our several Harbours. This Court Doth therefore Order & Enact. That there shall be in every Maritime town within this Jurisdiction one meet person appointed by the Town from time to time who shall diligently attend this service upon due notice given by either party concerned therein, & the same truly and faithfully to discharge, for which he shall be allowed three pence for every hoghead, the one halfe to be paid by the buyer, & the other halfe by the Seller, and what Master of Ships or other Vessel, or Merchant shall fail in the observation of this Order, he or they shall forfeit to the Country two shillings for every tun so disposed of, unless the parties shall otherwise agree.

Schoolers.

Schoolers in Townes of 10 families.

IT being one chief project of Satan to keep Men from the knowledge of the Scripture, as in former times keeping them in unknown tongues, so in these latter times, by persuading from the use of tongues that so at least the true sense and meaning of the Originall might be Clouded and Corrupted with false glosses of deceivers, to the end therefore that learning may not be Buried in the graves of our forefathers in Church & Commonwealth, the Lord assisting our endeavours. It is therefore Ordered by this Court and Authority thereof. That, every Township in this Jurisdiction, after

after the Lord hath increased them to the number of fifty house-holders, shall then forth with appoint one within the town, to teach all such children as shall resort to him to Write & Read, whose Wages shall be payd, either by the Parents or Masters of such children: by the Inhabitants in generall, by way of supply as the major part of those that Order the prudentials of the town shall appoint. Provided that those which send their children be not Oppressed by Paying much more, then they can have them taught for in other townes.

2. And it is further Ordered, that where any town shall increase to the number of one hundred families, or house-holders, they shall set up a Grammar school, the Master thereof, being able to instruct youth in as far as they may be fitted for the Unversity. And if any town neglect the performance hereof, above one year, then every such town shall pay five pounds per annum to the next such school, till they shall performe this Order.

3. Forasmuch as it greatly Concerns the welfare of the Country, that the youth thereof be educated not only in good Literature, but in sound Doctrine. This Court doth Therefore Commend it to the serious Consideration, & special care of our Overseers of the Colledge, & the Select men in the severall townes. not to admit or suffer any such to be continued in the Office or place of teaching, educating or instructing youth or children, in the Colledge or Schools, that have manifested themselves unformed in the faith, or scandalous in their lives & have not given satisfaction according to the Rules of Christ.

Sheep.

WHEREAS the keeping of Sheep, tends much to the benefit of the Country, & may in short time make good supply towards the cloathing of the Inhabitants, if Carefully preserved, and forasmuch as all places are not fit and Convenient for that end.

It is Ordered by this Court, That henceforth it shall be Lawfull, for any man to keep Sheep, on any Common, be it for Cows, Oxen or otherwise belonging to the Town where he lives, or where at that time he may have Right of Common, & that without limitation, in commons not limited, and in such commons that are stated it shall be lawfull for any Inhabitant, to use any or all his proportion of Common for sheep, according five sheep for one cow, steer or ox, & further it shall be lawfull for the Select men of every Town from time to time, to make such Orders in their respective towns for the clearing of their commons of wood & brush for keeping of sheep, as also for the fines or putting rams to their flocks, as they shall judg meet.

2. It is further Ordered, That if any man shall coufe sheep with a dog, or otherwise molest them, by driving them from their feeding, he shall pay five shillings for every such Offence beside double damages, and if any dog shall kill any sheep, the owner shall either hang such dog, or pay double damages for the sheep, and if any dog hath been seen to Coufe or bite sheep before, not being set on, and his owner hath had notice thereof, then he shall hang his Dog, and pay for such sheep, as he shall either Bite or Kill, and if in such case he shall refuse to hang his dog, then the Constable of the town, upon notice thereof, shall forthwith cause it to be done.

3. It is further Ordered, that all owners of sheep, who shall put their wool to Sale, shall and hereby are enjoyned, yearly to wash their sheep, in clear water, not being either Salt, blackish or dirty, and shall take care, they be not kept in dirty or sandy ground between the time of Washing and Shearing, and in making up the fleeces to take care no shot Locks, Lumps of dirt, or coufe rables be wound up therein, upon the penalty of to forfeit of five pence a sheep for all & every default aforesaid. [1648. 53. 56.]

Ships, Ship-Carpenters.

WHEREAS the Building of ships is a business of great importance, for the Common good, and therefore suitable care ought to be taken, that it be well performed,

according

How maintai-
ned.

Grammar
Schools.
Towns neg-
lecting to pay
5 pound per
annum to next
school.

A 54: p. 1

Meeter for
Schools & Mrs
not to be al-
lowed.

L: 12: p: 14

Liberty to
keep in com-
mons sheep for
one cow.
A 50 p: 12
Select men
to order clear-
ing of commons
for sheep
pasture.

Dogs killing
sheep to be
hanged.

A 53: p: 18
Sheep to be
washed be-
fore home
wool to be
made up
clean.

Surveyors appointed to view all ships in building.

Their power

Oath

Charges.

Freedom of trade for foreign ships.

A. 55. P. 11.

Select men appointed how many in the chief municipal spin

Fines of goods to give notice to the Constable of city.

according to the Commendable course of England and other places. It is therefore Ordered by this Court and the Authority thereof. That when any ship is to

be Built, within this Jurisdiction, or any Vessel above thirty Tunns, the owner or builder in his absence, shall before they begin to planke, Repair to the *Governour* or *Deputy Governour* or any two *Magistrates*, upon the penalty of ten Pounds, who shall appoint some able man to Survey the Work and Workmen from time to time, as is usuall in England, and the same so appointed shall have such Liberty and power as belongs to his office:

And if any Ship-Carpenter shall not upon his advice, Reforme and amend any thing which he shall find to be amiss, then upon Complaint to the *Governour* or *Deputy Governour* or any two *Magistrates*, they shall appoint two of the most sufficient Ship Carpenters of this Jurisdiction, and shall Authorize them from time to time, as need shall Require to take view of every such ship and all Works thereto belonging, and to see that it be Performed and carryed on according to the Rules of their art. And for this end an oath shall be

Administred to them to be faithful and indifferent, between the owner and the workman, and their Charges shall be born by such as shall be found in default; And those Viewers shall have Power to cause any bad Timbers, or other insufficient work or Material, to be taken out and amended at the Charge of them through whose default it growes. [1641. 47.]

2 It is Ordered by the Authority of this Court, that all ships which come for Trading only, from other parts, shall have free access into our Harbours, and quiet Riding there, and free Liberty to depart without any Molestation by us, they paying all such duties and Charges required by Law in the Country, as others do. [1645.]

Spinning.

THIS Court taking into serious Consideration, the present Straights and necessities of the Country in respect of Cloathing, which is not like to be so plentifully supplied from foreign parts, as in times past, and not knowing any better way or Means Conducable to our subsistence, then the improving of as many hands as may be, in Spinning Wool, Cotton, Flax &c:

Doth therefore Order and be it Ordered by the Authority of this Court. That all hands not necessarily Employed on other occasions as Women, Girls and Boyes, shall and hereby are enjoined to spin according to their skill and ability, and that the Select men in every town, do consider the condition & capacity of every family, and accordingly do assess them at one or more spinners, And because several families are necessarily employed the

greatest part of their time, in other business, yet if opportunities were attended, some time might be spared at least by some of them for this work, The said Select Men, shall therefore assess such families at halfe, and quarter spinners according to their Capacities. And every one thus aforesaid for a whole Spinner, shall for time to come, spin every year, for thirty weeks, three pound a week of Linnen Cotton or Woolen and so proportionably for halfe & quarter spinners, under the penalty of Twelve pence a pound Short.

And the Select Men shall take special Care for the execution of the Order, which may easily be effected by dividing their severall Townes into Ten, Six, Five, &c parts, and to appoint one of the ten, six or five &c to take an account of their divisions, and to certify the Select Men, if any be defective in what they are assessed, who shall in prove the Penalties imposed in such as are negligent, for the encouragement of those that are diligent in this work. [1655.]

Straits.

It is Ordered by this Court and the Authority thereof. That whosoever shall take up any Stray Beast, or find any goods lost, whereof the owner is not known he shall give notice thereof to the Constable of the same Town, within six dayes, who shall enter the same in a book and take Order that it be Cryed at their next

Lecture

Lecture or generall Town-meeting, upon three severall dayes; And if it be above twenty shillings value, at the next Market, or two next to the next parish Meeting, where no Market is within ten Miles, upon pain that the party so finding, and the said Constable having such notice, and failing to do, as is here appointed, to forfeit either of them or such default. *the third part* of the value of such Stray or lost goods: And if the finder shall not give notice as aforesaid within one Month, or if he keep it more then Three Months, & shall not appraise it, by Indifferent men, and also Record it, with the Recorder of the County where it is found, he shall then forfeit the full value thereof. And if the owner appeareth within one year, after such publication, he shall have Restitution of the same, or the value thereof, paying all necessary Charges, and to the Constable for his care and paynes, as one of the next Magistrates, or the three Commissioners of the Town shall adjudg. And if no owner appear within the time prefixed, the said stray or lost goods, shall be to the use of the finder, paying to the Constable *his charges*, or the *first part* of the value, of such stray or lost goods, at the finders choise.

And it is Ordered, That every such finder shall put & keep from time to time a *wyth* or *wreath* about the neck of every such stray, within one month after such finding, upon penalty of losing all his charges, that shall arise about it afterwards, (provided that no person shall from the *first of January* to the *twentieth of December*, take up any horse, gelding or mare, for a stray, or account or use them as strays, though the owner thereof be not known, unless it be taken *by force* *by warrant*, in inclosures) Provided also that if any owner or other, shall take off such *wyth* or *wreath*, or take away such beast, before he hath discharged according to this Order, he shall forfeit the full value of the thing (apprized as aforesaid) to the use of the finder. [1647]

Strangers.

VV Hereas we are credibly informed, that great mischiefs have been done to other Plantations, by the resort of Commenders, Souldiers and other Strangers, to prevent the like in this Jurisdiction, It is Ordered by this Court and Authority thereof, That henceforth all Strangers of what quality soever, above the age of sixteen years, arriving in any parts or parts of this Jurisdiction, in any ship or vessel, shall immediately be brought before the Governour, Deputy Governour or two other Magistrates, by the Master or Mate of the said ship or vessel, upon penalty of twenty pounds for default thereof, there to give an account of their occasions, and business in this Country, whereby satisfaction may be given, and order taken, with such Strangers, as the said Governour, Deputy Governour, two Magistrates, or the next County Court shall see meet, who shall keep a Record of the names and qualities of all such Strangers, to be Returned to the next Generall Court, *in pursuance of this Order.* It is Ordered the same be posted upon the doors or post of the Meeting houses, & other publick places in all the port townes, of this Jurisdiction. And the Captain of the Castle, shall make known this Order to every Ship or Vessel as it passeth by, and the Constable of every port Town shall endeavour to do the like, to such ships or vessels before they Land their Passengers. [1651]

And if any Strangers or people of other nations, professing the true Christian Religion, shall fly to us, from the tyranny or oppression of their persecutors, or from famine, wars or the like necessary & Compulsory Cause, they shall be entertained & succoured amongst us according to that power & prudence God shall give us [1641] Every person within this Jurisdiction, whether Inhabitant or Stranger, shall enjoy the same Law and Justice, that is generall for this Jurisdiction, which we constitute & execute one towards another in all Cases proper to our Cognizance without partiality or delay [1641.]

No town or person shall receive any stranger Resorting hither with intent to Reside in his Jurisdiction, nor shall allow any Lot or Habitation to any or entertain any such above three Weeks, except such person shall have allowance, under the hand of some one Magistrate, upon Pain of

K

Finder to appraise and Record lost goods.

Returne he goes as if the owner perimayre

Stray beast to have a wyth about the neck.

Taking off wyth or taking away by force forfeit the value.

A 51. p 7

Strangers arriving to be brought before Governour.

Capt. of the Castle to give notice of this Order.

L. 1. p. 23

Strangers to be succoured

L. 2. p. 32

Strangers to have equal justice.

every

No town or person to entertain strangers without allowance.

Finable.

every Town, that shall give or sell, any Lot or habitation, to any not so Licensed, such fine to the Country, as the County Court shall impose, not exceeding fifty p^{er} cent nor less then *ten p^{er} cent*; and of every person receiving any such for longer time then is hereby allowed, except in case of *entertainment of friends*, returning from other parts of this Country in amity with us, to forfeit as aforesaid, not exceeding *twenty p^{er} cent* nor less then *four p^{er} cent*, and for every month after so offending, shall forfeit as aforesaid, not exceeding *ten p^{er} cent*, nor less then *four shillings*, And every Constable shall inform the Courts, of all new comers, which they know to be admitted without License from time to time. [1637, 38, 47]

Sureties, and goods attached.

L.1.p.15

Not discharged till the judgment be satisfied.

Or § person delivered to § Marshall.

Goods and persons attached or e month after judgment released.

UPON information of some inconveniences accruing to several persons, in that men take themselves acquitted & free from all Legal observations, in case of appearance in Court, according to the express terms of the bond, or at most if the principal there stay till verdict and judgment be given (which if they be) they may then make away their estates, or absent their persons before the time hours be expired for granting execution, whereby the party & country may either be deprived of, or much damaged in his just rights. It is therefore Ordered by this Court and the Authority thereof. That henceforth all goods attached upon any Action, shall not be released upon the appearance of the party, or judgment given, but shall stand engaged until the judgment, or the execution granted upon the said judgment be discharged, nor shall any surety or sureties for appearance in any Court, except in Capital or Criminal cases, be released from his or their bond, until the execution as aforesaid be discharged & satisfied, or the principal person be surrendered into the hands of the Marshal or his deputy, who shall secure him, till the judgment be discharged, any Law, Custom or usage to the contrary notwithstanding. Provided always, that henceforth in all Civil proceedings (except in cases where the Defendant is a stranger) where Execution is not taken out & executed within one month, after that judgment is granted, all such Attachments, whether on persons or estates, with sureties, shall be released & void in Law, any Law, usage or custom to the contrary notwithstanding, unless the Court that granted the judgment shall see cause to give further time and respite of Execution in any particular case.

Swearing & Cursing.

Swearing ten shillings

Or sit in the stocks

L.2.p.14

More Oaths then one to be

Like per. for cursing.

Select men to make Orders to prevent harms by Swine.

A.1638.

IT is Ordered by this Court & Authority thereof, That if any person within this Jurisdiction shall swear rashly & vainly, by the Holy name of God, or other Oath, he shall forfeit to the common Treasury for every such offence *ten shillings*, and it shall be in the power of any Magistrate by warrant to the Constable, to take such person before him, and upon sufficient proof, to sentence such offence, and to give order to levy the fine, and if such person be not able, or shall refuse to pay the said fine, he shall be committed to the stocks, to sit to continue not exceeding *three hours*, nor less then *one hour*.

2. And if any person shall wear more Oaths then one at a time, before he remove out of the room or company where he so swears, he shall then pay *twenty shillings*. The like penalty shall be inflicted for *prophane and unclean Cursing*, of any person or creature, and for the multiplying the same, as is appointed for *prophane swearing*, and in case any person so offending, by multiplying oaths or cursing, shall not pay his or their fines forthwith, they shall be *committed to prison*, till they shall pay the same, at the discretion of the Court or Magistrate, that shall have Cognizance thereof.

Swine.

IT is Ordered by this Court and Authority thereof, That every Town-ship within this Jurisdiction, or the *Seignior* thereof, are in powered and hereby required, from time to time, to make Orders, for preventing all harms by Swine, in Corn, Meadows, Pastures & Gardens, as to all danger to Children & other persons, in any respect by Swine, and to impose penalties according to their best discretion, and to appoint one of their Inhabitants, by warrant under the hands of the Select men, or the Constable, where no Select men are, to levy the such fines & penalties, and if any person chosen to see the execution of this Order, shall neglect or refuse to do the same, he shall forfeit five pounds, the one half to the Town, the other half to the party that accepts the place, and performs his duty therein.

2 And

2. And where Townes border each upon other, wh^{ch} se Orders it may be are vari-
ous, Satisfaction shall be made for harmes done by Swine, according to the
Orders of the towne, where the damage is done. But if the swine be ringed
and yoked, or otherwise as the Orders of the Towne, to which they belong doth
Require, then where no fence is, or that it be insufficient, through which the
Swine come to trespass, the owner of Land or fence shall beare all damages;
And it is hereby declared, that all fences made of Stone, Ties, Raues, K-rers, Creeks,
or any other fences wh^{ch} there are owne (by such men as are appointed in the several towns
to view fences) to be sufficient against great Cattle, shall be held and accounted suffi-
cient against Swine, & all Swine breaking through such fences, shall be liable to
make satisfaction for all damages done.

3. And if any Swine be punished for damage done, and there be kept three
dayes, & that no person will own them, then the party Damified shall give notice
to the two next townes (where any are within five miles Compass) that such Swine
are to be sold by an *oner*, within three dayes after such notice by the party dami-
fied, and in case none will buy, he shall cause them to be appraised by two indifferent
men (one whereof shall be the Constable or one chosen by him) signified under
their hands in writing, and may keep them for his own use. And in both cases, if
the owner shall after appear, the overplus according to the said valuation (all dama-
ges and charges being paid) shall forthwith be Rendred to him; and if any Town
or Select men shall neglect to take order for preventing harmes by Swine according
to this law, more then *one Month*, after publication hereof, such town or Select Men
shall forfeit to the Treasury forty shillings for every Month so neglecting. [1647.
51. 58.]

Tile-Earth.

It is Ordered by this Court, That all Tile-Earth to make tile ware, shall be
digged before the first of the *Ninth Month*, and turned over in the *Last and*
First Month ensuing, a Month before it be Wrought, upon pain of forfeiting
one half part of all such Tiles, as shall be otherwise made to the use of the Common
Treasury [1647.]

Tobacco.

It is Ordered by this Court, that no man shall take any Tobacco within Twenty
miles of any town, or so neer as may indanger the same, or neer any barn, Corne,
or Hay Cock, on any Occasion the first whereof, upon pain of ten shillings for every
such Offence, besides full Reconpence of all damages done by means thereof;
Nor shall any take Tobacco in any one of Common Victuall house, except in a private
Recon there, so as neither the Master of the sayd house, nor any other guest there,
shall take Offence thereat, which if any do, then such person shall forthwith forbear
upon Pain of Ten shillings six pence, for every such Offence. And all fines
incurred by this Law, the One Halfe part shall be to the Informer, the other to
the Poor of the Town where the Offence is done. [1638 47.]

Town-ship.

WHEREAS Particular Townes have many things, which concerne onely
themselves and the Ordering their own affaires, and disposing of busines in their
own Town. It is therefore Ordered, that the freemen of every town, with such o-
thers as are allowed, or the Major part of them, shall have power to dispose of their
own Lands & woods, with all the Priviledges and appurtenances of the said Townes,
to grant Lots, & also to chuse their own Particular Officers, as Constables, Surveyors
for the High-ways and the like annually or otherwise as need Requires; And
to make such Lawes and Constitutions as may Concern the Welfare of their Town.
Provided they be not of a Criminall, but of a prudentiall Nature, & that their penal-
ties exceed not twenty shillings for one Offence, and that they be not Repugnant to
the publick Lawes and Orders of the Country. And if any Inhabitant shall neglect
or refuse

Damages to
be paid ac-
cording to
town orders
where it is
done.

No fence
no damage.

A. 51. p. 4

Fences suffi-
cient

No owners
appearing,
Swine to be
prized.

L. 2. p. 10

Towns pow-
er to dispose
lands

Chiefe
Officers

To make
orders

or Refuse to observe them, they shall have power to Levy the appointed penalty by distress: And if any man shall behave himself Offensively, at any town-meeting, the rest then present, shall have power to sentence him for such offence, so as the penalty exceed not twenty shillings.

To choose
Select men.

2. And every Township hath power to chuse yearly or for less time, a convenient number of fit men to order the planting & prudential affaires of their Townes according to instruction given them in writing, provided nothing be done by them, contrary to the Laws & orders of the Country, provided also that the number of the Select men be not above nine.

To dispose
of single per-
sons.

3. And all townes shall take care from time to time, to Order and dispose all single Persons, & inmates within there Townes, to service or otherwise, and if any be grieved at such Order or disposall, they have Liberty to appeale to the next County Court.

A. 58.

Who may
vote in
Townes

4. And it is hereby Ordered and Enacted. That all Englishmen, that are settled Inhabitants and house-holders in any town, of the age of twenty four years, and of honest & good Conversations, being Rated at twenty pounns estate in a single Country Rate, and that have taken the Oath of Fidelity to the Government, and no other (except freemen) may be Chosen Select men, Jurors, or Constables, and have their vote, in the Chooce of the Select men for the Town Affaires, Assessments of Rates and other Prudentials Proper to the Town, Provided alwayes the Major Part of the Companies of Select men, be freemen from time to time, that shall make a valid Act, as also where no Select men are, to have their vote in ordering schools, bearding of cattle, laying out high wayes, and distributing Lands, any law, rule or custome to the contrary notwithstanding.

A. 53. P.
18.

Power to
fine such as
refuse the
office of
Constable

5. Whereas Complaints have been made, that many (especially in Boston) who are meet and fit to serve the Country, in the Office of Constable, take incount agement to withdraw from that service by Reason of the Smallness of the fines that townes have power to impose for such Refusall. It is therefore Ordered, that henceforth it shall be Lawfull for the town of Boston to impose the fine of ten Pounns, and for all other Townes, to impose the fine of five pounns upon every such person, (being Legally Chosen in the Respective townes) that shall Refuse to serve in the Office of a Constable in the Town where he is Chosen, if in his person he be able to execute it; And the Select men of every town are hereby in-powered to order & Require the Constables to Levy the said fines by distress, which shall be to the use of the town. [31, 42, 47, 53, 58.]

Treasurers.

To keep per-
fect ac-
counts.

How to dis-
burse.

IT is Ordered by this Court and the Authority thereof. That the Country Treasurers, shall from time to time, keep exact and perfect books of accounts of all Transactions for the Country, and particularly of all debts and dues, belonging to the Country, either by forfeits, fines, sales, gifts, legacies, rents, customs, impositions, or otherwise, as by Writs, Shipwracks, and things of like nature, where the owner is not known, and the Country may claim a priviledge or common right unto; as also of all his payments and disbursements for the Countryes use, which he shall not make, but by vertue of some settled Custom, Law or Order of this Court, or by special Order of this Court, or of the Council, nor shall he make any payment to any person indebted to the Country, till such person either pay his debt or default, so much as is due to the Country.

A. 54. p. 2

Court Treas.

How chosen

No Clerk of
Court to be
Treasurer

2. And it is further Ordered, That henceforth there shall be Treasurers annually chosen in every County, by the freemen thereof, who shall give in their votes in each Town, on the day of voting for nomination of Magistrates, which shall be sent sealed up, by the same person to the Shire-meeting, and there opened before the Commissioners, who shall certify the County Courts, under their hands, the name of the person chosen, Provided no Clerke or Recorder of any County

Court

Court shall be chosen Treasurer for the County. And the said Treasurers shall from time to time keep exact and perfect books of accounts of all Transactions of the County, and particularly of all debts and dues belonging to the County, either by *Forfeits, fines, Rates, Gifts, Legacies, Rents, Customs*, or otherwise, as also all his *disbursements*, for the Charges of the County Courts *shire Commissioners*, with all other Peculiar Charges of the County, which he shall pay by Order of the County Court, except the *Town's Money* due to the *Major* of the *Regiment* for the year of Publick Exercise, which shall be Paid by the County Treasurer as heretofore.

3. And it is Ordered, that all fines arising in any County Court, or by Order of one Magistrate or Commissioners, empowered in *Criminal Cases*, shall from time to time be paid into the Treasurer of that County where the delinquent party doth dwell, except onely where any Person shall be taken in the Matter, and immediately censured by Authority in any other County, where such Offence is Committed.

4. It is Ordered that the Secretary of the Generall Court and Court of Assistants, & the Clerk or Recorder of every County Court, shall keep Books of account of all dues arising, within the Cognizance of the Respective Courts by entry of *Actions, Fines*, or otherwise, as also a true account of *fees of the Officers*, and other Charges of the Court, which belongs to the Respective Treasurers to satisfy, & within *fourteen days* after the end of every Court, the said Secretary, and Clerk, shall deliver to the Respective Treasurers a true *Transcript* of all fines and other dues, payable to the County or County, and the said Treasurers shall within *One Week* after the Receipt of the *Transcript*, direct his *Warrant* to the *Marshall or Constable* for the Levying thereof. And if any Treasurer, Secretary, *Marshall, or Constable*, make default herein, he shall suffer the penalty of making good all Damage that shall come thereby; And every Treasurer for his pains and service, is allowed *One shilling* in the *Pound* of all fines Received by him, and to be free from all County and County Rates. And all Treasurers are hereby enjoyned once every Year, to give an account of all their Transactions, the County Treasurer to the Generall Court, or to such as the said Court shall appoint & provide the same at the Court of Election yearly. And the County Treasurers shall likewise yearly present their accounts to the County Courts, & if there be not enough in the Treasurers *hands* to satisfy the charges of the County, the said County Court shall give *warrant* to levy the *arrests* up on the whole County, by Rate, to be Levied upon each Town and person (except such as are rate-free) in proportion with the County rate, next before going, to be collected by the *Costables* of each town, who are hereby enjoyned to attend the same. [148 54, 57, 58]

Tryalls.

It is Ordered that all *causes* between *Party & Party* shall first be tryed in some inferior Court; and that if the party against whom the judgment shall pass, shall have any new evidence or other new matter to plead, he may desire a new trial in the same Court upon a *bill of review*. And if justice shall not be done him, upon that trial he may then come to this court for *Releife*. [1042.]

2. It is Ordered, & by this Court declared, that in all actions of Law it shall be the Liberty of the *Plaintiff and Defendant* by Mutual content to chose whether they will be tryed by the Bench or a Jury, unless it be where the Law upon just Reason hath otherwise determined; The like Liberty shall be granted to all persons in any criminal Case.

3. Also it shall be in the liberty of both *Plaintiff and Defendant*, and likewise of every delinquent to be judged by a Jury, to Challenge any of the *jurors* and if the Challenge be found just and Reasonable by the Bench or the rest of the Jury, as the Challenger shall shew, it shall be allowed him, and *salus de circumstantiis* impan-

To Pay the charges of the County.

A: 58:

All fines arising in County due to the County.

Clerk of courts to keep accounts.

To certify, Treasurer of the County 14 days. Treasurer to order Marshal to call.

Treasurers allowance.

To give a yearly account.

County Court to levy taxes to defray County charges.

No cause to be first brought to County Court.

Liberty for trials by Bench or Jury.

Liberty to challenge.

neled in their Room,

4 Also *Coniaren*, Idiots, distracted persons and all that are strangers or new comers to our plantation, shall have such allowances, and dispensations in any Case, whether Criminall or others, as religion & reason require. [1641.]

Vote.

IT is Ordered & by this Court declared, that all & every freeman & others Authorized by Law called to give any Advice, vote, or voice or sentence, in any Court, Council or *Court Assembly* shall have freedom to do it according to their true judgment & Conscience, to it be so the Orderly and inoffensively for the manner, and that in all cases when in any *Assembly* or other is to give his vote, be it in point of election, making *Court* or *Assembly* or *Order*, or *giving sentence in any case of Judicature* or the like, if he cannot see light or reason to give it positively one way or other, he shall have liberty to *refuse*, and not passed to a determinate vote, which yet shall be interpreted and counted, as if he Voted for the Negative; And further that whensoever anything is to be put to Vote, and Sentence to be Pronounced, or any other Matter to be *Proposed*, or Read in any Court or *Assembly*, if the *President* or *Moderator*, shall Refuse to performe it, the *Major part* of the *Members* of that Court or *Assembly*, shall have Power to appoint any other meet Person to do it, and if there be just Cause to Punish him that should, and would not. [1651.]

Usury.

IT is Ordered, Decreed and by this Court declared, that no man shall be adjudged for the meer forbearance of any debt, above *eight pouna* in the *hundred* for one year, & not above the Rate proportionably for all sums whatsoever (Bills of exchange excepted) neither shall this be a colour or countenance to allow any Usury amongst us contrary to the Law of God. [1641. 43.]

Wampampeag.

IT is Ordered, that *Wampampeag*, shall pass currant in the payment of debts to the payment of *forty shillings*, the White at *English*, the black at *four*, so as they be entire without *tear*, or *defect*, except in payment of Country Rates to the *treasurer*, which no town or person may do, nor be accept thereof from time to time. [1643. 48, 49, 50.]

Watching.

FOR the better keeping of *Watches*, by the constable in the time of peace. It is Ordered by this Court and the Authority thereof, that all *constables* *Watches* in every town of this Jurisdiction, shall begin the *first of May*, & continue til the end of *September* upon the penalty of *five pouna* to be levied on every constable neglecting the same. And it shall be the care of the constable to see that the watch be so warned, that it may not consist of all, or the greater part youths, but that able men be joyned with them, that the watch may be a *sufficient* watch, unless the *Sheriff* men of that town who have hereby power, shall otherwise order & dispose of the said watches, both respecting time, place, number, and quality of persons as to them shall seem most meet. And all inhabitants of this jurisdiction, [except such as are by Law exempted] shall according as they are warned to serve the Country in the constables *Watches*, duly and strictly Observe the charge given them by the constables; And the constables in every Town from time to time are hereby enjoyned, to give in their charge to watch-men, that they duly examine all *Night Watchmen* after ten of the clock at *Night* (unless they be known peaceable Inhabitants) to enquire whether they are *good*, and what their business is, and in case they give not *reasonable satisfaction* to the Watchmen or constable, then the constable shall forthwith secure them till the morning, and shall carry such person or persons before the next Magistrate or *Commissioner* to give satisfaction, for their being abroad at that time of night. And if the watch men shall find any Inhabitant or stranger, after ten of the clock at Night, behaving

Liberty of
Voting
Or to be
silent.

Members
are
to
signe.

L. 2. P. 12

A. 52. P.

1.

Constable
to set the
watch.

A. 57. P.

25.

Sheriff men
to order
watch.

Constables
charge of
watchmen.

Sheriff men
to order
watch.

behaving themselves any wayes debauchedly, or shall be in drink, the Constable shall secure them by Commitment or otherwise till the Law be satisfied. And further the Constable is to give the Watchmen in Charge, to see all *Noises in the street* stilled, and lights put out, except upon necessary occasions) for the prevention of Danger by *as much as may be*; And every Constable shall present to one of the next Magistrates or Commissioners the name of every person, who shall upon Lawfull warning, Refuse or neglect to Watch or Ward, either in Person or by one other sufficient for that service, and if being Convented he cannot give a just excuse such Magistrate shall grant Warrant to any Constable, to Levy *five shillings* of every Offender for such default: the same to be employed for the use of the Watch of the same Town; And it is the intent of this Law, that every person of able Body (not excepted by Law) or of estate sufficient to hire another, shall be Liable to Watch and Ward or to supply it by some Other when they shall be thereunto Required, and if there be in the same house divers such persons, whether *Sons, Servants, or sojourners*, they shall all be Compellable to Watch as aforesaid. Provided that all such as Live or keep families at their *Farmes*, being Remote from any Town, shall not be Compellable to Watch and Ward in Townes. [1636. 46, 52, 57.]

Weights & Measures.

TO the end, *Measures and Weights*, may be one & the same throughout this Jurisdiction. It is Ordered by the Authority of this Court: That the Country Treasurer shall provide, upon the Countries Charge *Weights and Measures* of all sorts, for continuall Standards, to be sealed with the Countries Seal: *viz:* One Bushell, one halfe Bushell, one Peck, one half Peck, one Ale quart, one Wine Pint & halfe Pint, one Elme, and one yard, as also a set of Brass Weights, to four Pounds which shall be after sixteen Onnces to the Pounn, with six scales, and Steel Beam, to Weigh and try withall. And the Constable of every Town, within this Jurisdiction, shall within three Months after publication hereof, Provide upon the town Charge, all such weights at least of Lead, & also sufficient Measures, as are above exprest, tryed and syzed by the Country Standards, and sealed by the said Treasurer or his Deputy in his presence, (which shall be kept and used onely, for standards for their severall Townes) who is hereby Authorized to do the same, for which he shall Receive from the Constable of each Town, *two-pence* for every Weight and Measure so Proved, sized, and sealed; And the said Constable of every Town, shall commit those *Weights & Measures* unto the Custody of the Select men of their townes for the time being, who with the said Constable are hereby enjoyned to chuse one able man to be Sealer of such weights & measures, for their own Town from time to time, and till another be chosen, which man so chosen they shall present, to the next County Court, there to be Sworn to the faithfull discharge of his duty, who shall have Power to send forth his warrants, by the Constable, to all the Inhabitants of their town to bring in all such Measures and Weights as they make any use of, in the second Month from year to year, at such time and place as he shall appoint and make Returne to the sealer in Writing of all persons so summoned, that then and there all such Weights and Measures may be proved and sealed with the Town Seale, (such as in the Order for town Cattle) provided by the Constable, at Each Townes Charge, who shall have for every Weight and Measure so sealed One penny from the owners thereof at the first Sealing. And all such Measures & Weights as cannot be brought to their just standard, he shall deface or destroy; And after the first sealing shall have nothing so long as they Continue just with the standard. And whosoever may neglect there duty herein. It is further Ordered by the Authority aforesaid. That if any Constable, Select Men, or Sealer do not execute this Order, as to every of them Appertaines, they shall forfeit to the comon Treasury forty shillings for every such neglect, the space of one Month, and also that every person

Watchmen
candle lights
to be put out

L. 1. p. 52

Neglect of
watching
forfeit 5 s.Who com-
pellable to
watch.Standards to
be provided
by TreasurerConstable to
provide stan-
dards for
townesSealer to be
chosen by
select men.To be sworn
at County
Court

His duty

His fee

person neglecting to bring in their weights and Measures at the time and Place appointed they shall pay three shillings four pence for every such default, one half part whereof shall be to the Sealer, and the other halfe to the Common Treasury, which the Sealer shall have Power to Levy by Distress from time to time.

[1647.]

A. 55.

Select men
to appoint
measures of
corn &c.

2. This Court Considering the Complaint of severall abuses, in Measuring Corne, Fowls, and Cording of wood. Doth Order that it shall be in the power of the Select men of every Town, to appoint one, two or more, as need shall require who shall be sworne faithfully & uprightly to Measure all such Corne, Wood or Boards, as they shall be Caied unto, and that no Man shall be forced to Receive any Corne, Wood or Boards, (except they Agree therunto) But such as is Measured by such Person or Persons, so Appointed and Sworne, the parties Receiving the Corne, Wood or Boards, paying for the Measuring thereof.

[1655.]

Wharfrage.

Rates for
wharfrage.

IT is Ordered by this Court and the Authority thereof that these Orders shall be Observed, by all such as shall bring goods to any wharfe, and these Rates following be Allowed; First for Wood by the tun three pence, for Timber by the tun four pence, for dry Staves by the Thousand nine pence, for boards by the Thousand six pence, for Merchants goods whether in cask or otherwise, by the tunsix pence, for dry Fish by the Quintall, one penny, for Corne by the quarter one penny and a half penny for great Cattle by the head two pence, for goats, swine or other small Cattle, except such as are sucking their darts, by the head a half penny for lay straw & all such combustible goods by the load six pence, for stones by the tun a penny, for Cotton wooll by the bag, two pence, for Sugar by the chest three pence. Provided that Wharfrage be taken only, where the Wharfes are Made and Maintained, and that Wood, Stone and Weighty goods shall be set up an end, or laid seven foot from the side of the Wharfe, upon penalty of double wharfrage, and so for other goods, and that no goods ly on the Wharfe, above forty eight hours, without further agreement with the wharfinger. And that it shall be Lawfull for the Wharfinger to take according to these Rates out of the Goods that are Landed, except they be satisfied otherwise.

Casting Anchors
in Cove
penalty.

2. And it is further Ordered that none shall Cast an Anchor, Grapple or Killack, within or neer the Cove at Boston, where it may endanger any other vessels upon penalty of ten shillings, halfe to the Country, halfe to the wharfinger, besides paying all damages.

Casting in
cove, penalty.

3. And that it shall not be Lawfull for any person to cast any dung, draught, dirt or any thing to fill up the Cove, or to annoy the Neighbours, upon Penalty of Forty shillings, the one half to the Country, the other halfe to the Wharfinger.

[1647.]

Wills.

L. 2. p. 16

WHERAS it is found by experience that some Men dying, having made their Wills, for the disposing of their estates, or at the said Wills are Concealed and not proved and Recorded, and some others dying intestate, no administration is sought for, nor Granted in any Legal way, and yet the Wives, Children, Kinred, or some friends of the deceased, or some others do enter upon the Lands, and possess themselves of the goods of the said deceased, and the same are many times sold, or mortgaged, before the Executors, to whom the deceased was indebted, who then demand or how to Recover their just Debts, for prevention of such unjust and fraudulent dealing.

Wills to be
proved in
Court.

It is Ordered by this Court and the Authority thereof, That if any Executor Named in any Will, and knowing thereof, shall not at the next Court of the County, which shall be above thirty dayes, after the decease of the party, make probate of any will of any deceased party or shall not Cause the same to be Recorded, by the Recorder or Clerk of the County Court, where the deceased

deceased party last dwelt, or if any person whatsoever, shall not within the same time, take administration of all such goods, as he hath or shall enter upon of any party deceased, or if any person or persons, shall *Alienate or imbezill any Lands or goods*, before they have proved and Recorded the will of the deceased, or taken administration, & brought in a true inventory of all the known Lands, goods & debts of the deceased, every such person so administering or executing, shall be liable to be Sued, and shall be bound to pay all such debts Respectively, as the deceased party owed, whether the estate of the deceased, were sufficient for the same or not. and shall also forfeit to the Country, so many *summs of five pounds* as shall be Months betwixt the next Court of that County, after the death of the party as aforesaid, and the proving of such will and Recording it, or the taking of such administration.

And if any person shall *Renounce his Executor-ship*, or that none of the friends or Kindred of the deceased party that shall dy intestate, shall seek for Administration of such persons estate, then the Clerk of the Writs of such town, where any such person shall dy, shall within one Month after his decease, give notice to the Court of that County to which such Town doth belong, of such *Renouncing of executor-ship* or not seeking of administration, that so the Court may take such Order therein as they shall think meet, who shall also allow such Clerk due recompence for his paines, & if any such Clerk shall fail herein, he shall forfeit *forty shillings* to the Treasury for every Months default. [1649.]

2. And because many Merchants Seamen & other strangers resorting hither oftentimes dying & leaving their estates undisposed of, and very difficult to be preserved in the interim from one County Court to another. It is therefore Ordered that it shall and may be Lawfull for any two Magistrates, with the Recorder or Clerk of the County Court, Meeting together, to allow of any Will of any deceased party to the Executors or other persons in the Will Mentioned, so as the Will be testified on the Oath of two or more Witnesses, and also to grant Administration to the estate of any person dying intestate within the said County, to the next of Kin, or to such as shall be able to secure the same, for the next of kin & the Recorder or Clerk of the Court, shall enforce the rest of the Magistrates, of the County at the next County Court, of such Will proved or administration granted, & shall Record the same. [1652.]

3. And it is Ordered that when the husband or parents dy intestate, the County Court of that Jurisdiction, where the party had his last Residence, shall have power to assigne to the Widdow such a part of his estate as they shall judge just & equal as also to divide and assigne to the Children or other heires their severall parts and portions out of the said estate; Provided the Eldest Sonn shall have a Double Portion, and where there are no Sonns, the Daughters shall Inherit as Co-partners, unless the Court upon just Cause Alledged, shall otherwise Determine. [1641. 49.]

Witnesses.

It is Ordered decreed and by this Court declared, that no man shall be put to death, without the testimonie of two or three Witnesses or that which is equivalent thereunto. [1641.]

2. And it is Ordered by this Court and the Authority thereof, That any one Magistrate or Commissioner Authorized thereunto by the Generall Court may take the Testimony of any person of *fourteen yeares of age* or above, of sound understanding and Reputation in any Case Civill or Criminall, and shall keep the same in his own hands til the Court, or deliver it to the Recorder, publick Notary or Clerk of the Writts, to be Recorded that so nothing may be altered in it. Provided that where any such Witness, shall have his abode within ten Miles of the Court & there Living & not disabled by sickness or other infirmity, the sayd Testimony so taken

Entering the estate without administration obtained.

Able to pay all debts

Five pound per month for not proving a will.

If Executor renounce a Clerk to give notice to Court.

Or forfeit 40 sh.

A. 52. P. 15.

Two Magist. to take probate of wills

To grant Administration

L. 1. p. 53
L. 2. p. 6

Court. Court to divide estate undivided.

Eldest Sonn a double portion.

Testimonies taken before one Magist.

Witnesses to appear persons living within ten miles.

And in Capital cases,

Witnesses have a allowance for his charges laid down.

at s. per diem.

at s. 6 d. per diem.

Witnesses not appearing to pay damage

In Criminal cases witnesses to be paid by the Treasurer, and taxed only according

so taken out of Court shall not be Received or made use of, in the Court, except the Witnesses be also present to be further Examined about it. Provided also that in all Capital Cases, all Witnesses shall be Present, wheresoever they dwell.

3. And it is further Ordered by the Authority aforesaid, That any person summoned to appear as a Witness in any Civil Court between party and party, shall not be Compellable to traivale to any Court or place where he is to give his testimony, except he who shall so summon him shall lay down or give him satisfaction for his Traivale & Expences, outward & homeward, and for such time as he shall spend in attendance in such case, when he is at such Court or place, the Court shall award due Recompence, and it is Ordered that two shillings a day shall be accounted due satisfaction to any witnesses for traivale & expences, and that when the witness dwelleth within three miles and is not at Charge to pass over any other ferry then betwixt Boston and Charlestown, then one shilling six pence per diem shall be accounted sufficient and if any Witness after such payment or satisfaction, shall faile to appear to give his Testimony, he shall be Liable to pay the parties Damages, upon an action of the Case.

And all Witnesses in Criminal Cases shall have suitable satisfaction, paid by the Treasurer, upon Warrant from the Court or Judge before whom the case is tried. And for a general Rule to be observed in all Criminal Cases, both where the fines are put in certaine, and also where they are otherwise. It is further Ordered by the Authority aforesaid, that the Charges of Witnesses in all such Cases shall be born by the parties delinquent, and shall be added to the fines imposed, that so the Treasurer may have upon Warrant from the Court, or other Judge satisfied such Witnesses, it may be Repayd him with the fine, that so the Witnesses may be timely satisfied & the Country not dammified. [1647.]

Wolves.

A. 48.

WHEREAS great loss & damage doth befall this Common-wealth by reason of Wolves which destroy great numbers of our cattle, notwithstanding provision formerly made by this Court for suppressing of them: therefore for the better encouragement of any to set about a work of so great concernment. It is Ordered by this Court and the Authority thereof, that any person either English or Indian that shall kill any Wolfe or Wolves, within ten miles of any Plantation in this Jurisdiction, shall have for every Wolfe by him or them so killed, ten shillings, paid out of the Treasury of the Country Provided that due proof be made thereof unto the Plantation next adjoining where such Wolfe or wolves were killed: and also they bring a certificate under some Magistrates hand, or the Constable of that place unto the Treasurer. Provided also that this Order doth intend onely such Plantations as do contribute with us to publick charges, & for such Plantations upon the river of Piscataway that do not joyn with us to carry on publick Charges they shall make payment upon their own charge. [1645]

Wood.

FOR the avoiding of injuries by Carts & boats, to seller & buyers of wood. It is Ordered by this Court and the Authority thereof, that where wood is Brought to any towne or house by boat, it shall be thus accounted and assized, A Boat of four tunns shall be accounted three Loads; twelve tunns, nine Loads, twenty tun, fifteen Loads. Six tun, four Load and halfe, fourteen tun, ten Load and halfe, twenty-four tun, eighteen Load. Eight tun, six Load, sixteen tun, twelve Load, twenty-eight tun, twenty one Load. Ten tun, seven load & half, eighteen tun, thirteen Load and halfe; thirty tun, twenty-two load and halfe. Except such Wood as shall be sold by the Cord, which is, and is hereby Declared to be Eight foot in Length, four foot in height, and four foot Broad. [1646] 1647.]

BECAUSE

Workmen.

BECAUSE the harvest of Hay, Corn, Hemp and Flax, comes usually so neer together that much losse can hardly be avoided. It is therefore Ordered by the Authority of this Court; That the Constables of every town, upon Request made to them, shall Require any Artificers or handy Crafts-men, Meett to Labour, to work by the day for their Neighbours in mowing, reaping of corn, & mowing thereof Provided that those men whom they work for, shall duely pay them for their Work. And that if any person so Required shall Refuse, or the Constable neglect his Office herein, they shall Each of them Pay to the use of the Poor of the Town double so much as such Dayes Work Comes unto. Provided no Artificer or Handy-Crafts-Man shall be Compelled to Work as aforesayd, for others, while he is necessarily attending on the like Busines of his Own.
[1646.]

Wrecks of the Sea.

IT is Ordered decreed and by this Court declared; That if any Ships or other Vessels, be it friend or enemy, shall suffer ship-wreck upon our Coasts, there shall be no violence or wrong offered to their persons, or goods, but their persons shall be Harboured and Relieved, and their goods preserved in safety, till Authority may be certified, and shall take further Order therein. Also any Whale, or such like great fish cast upon any shore, shall be safely kept or improved where it cannot be kept, by the town or other proprietor of the land, till the Generall Court shall set Order for the same. [1641. 1647.]



Presidents and formes of things frequently used.

O [I. B.] Carpenter, of [D.] You are Required to appear at the next Court, holden at [B.] on the day of the month next ensuing; to answer the complaint of [N. C.] for with-holding a debt of due upon a Bond or Bill: or for two heifers &c: sold you by him, or for work, or for a trespass done him in his corn or hay, by your cattle, or for a slander you have done him in his name, or for striking him, or the like, and hereof you are not to fail at your Peril. Dated the Day of the Month.
[1641.]

Summons

TO the Marshall or Constable of [B.] or their Deputy. You are Required to Attach the Body and goods of [W. F.] and to take Bond of him to the value of with sufficient surety or sureties for his appearance at the next Court, holden at [S.] on the day of the Month; then and there to answer the Complaint of [T. M.] for &c: as before. And so make a true Return thereof under your hand. Dated the day &c:
By the Court.
R. F.

Attachment.

KNOW all men by these presents, that we [A. B.] of [D.] Yeoman, & [C. C.] of the same Carpenter, do bind our selves, our Heires and Executors to [R. F.] Marshall, or [M. O.] Constable of [D.] aforesaid, in Pounds; upon condition that the said [A. B.] shall personally appear at the next Court, at [S.] to answer [L. M.] in an action of And to abide the Order of the Court therein, and not to depart without Licence.

Bond for appearance

TO the Marshall or Constable of You are Required to replevie three heifers of [T. P.] now distrained or impounded by [A. B.] and to Deliver them to the said [T. P.] Provided he give bond to the Value of with sufficient

Replevin.

Surety or sureties to prosecute his Replevin at the next Court holden at [B] & so from Court to Court till the Cause be ended, & to pay lith costs and damages as the said [A. B.] shall by law Recover against him; And to make a true return thereof under your hand. Dated &c:

By the Court
K F.

Commissioners for
the united
Colonies.

their power

WHERAS upon serious Consideration, wee have Concluded a Confederacie with the English Colonies of New-Plimouth, Conneticut and New-Haven as the End of Nature, Reason, Religion and Respect to our Neighbour as they Require.

Wee have this Court Chosen our trustie and well beloved Friends [A. B.] and [W. H.] for this Colonie; for a full and Compleat Year, as any occasions and exigents may Require and particularly for the next Meeting at [A.]. And do Invest them with full power and Authority to treat and Conclude of all things, according to the true Tenor and Meaning of the Articles of Confederation of the United Colonies, Concluded at Boston the ninth day of the third Month. [1643]

Oath of
Fidelitie.

I [A. B.] being by Gods providence an Inhabitant within the Jurisdiction of this Common wealth, do freely and sincerely acknowledge my selfe to be subject to the Government thereof, And do here Swear by the great and dreadfull name of the Ever-living God, that I will be true & faithfull to the same, and will accordingly yeild assistance thereunto, with my person and estate, as in equity I am bound: And will also truly endeavour to Maintain and preserve all the Liberties & Priviledges thereof submitting my self unto the wholesom Laws made, and established by the same.

And farther that I will not plot or practice any evill against it, or consent to any that shall so do: but will timely discover and reveal the same to lawfull Authority now here established, for the speedy preventing thereof. So help me God in our Lord Jesus Christ.

Freemens
Oath,

I [A. B.] being by Gods Providence an Inhabitant within the Jurisdiction of this Common-wealth, and now to be made free; doe here freely acknowledge my self to be subject to the Government thereof: And therefore do here Swear by the great and dreadfull Name of the Ever-living God, that I will be true and faithfull to the same, and will accordingly yeild assistance and support therunto, with my person and estate, as in equity I am bound, and will also truly endeavour to maintain and preserve all the Liberties and Priviledges thereof, submitting my self unto the wholesom Laws made and established by the same. And farther, that I will not plot or practice any evill against it, or consent to any that shall so doe; but will timely discover and reveal the same to lawfull Authority now here established, for the speedy prevention thereof.

Moreover, I do solemnly bind my self in the sight of God, that when I shall be called to give my voice touching any such matter of this State, wherein Free-men are to deal; I will give my vote and suffrage as I shall in mine own conscience judg best to conduce and tend to the publick weal of the Body, without respect of persons, or favour of any man. So help me God &c:

Govern-
ments Oath

WHERAS you [7. VV.] are Chosen to the place of Governour over this Jurisdiction, for this year, and till a new be Chosen and sworn: You do here Swear by the Living God, that you will in all things concerning your place, according to your best power and skill, carry and demean your self for the said time of your Government, according to the Lawes of God, and for the advancement of his Gospel, the Lawes of this Land, & the good of the people of this jurisdiction.

You shall do justice to all men without partialitie, as much as in you lyeth: you shall not exceed the limitations of a Governour in your place. So help you God &c:

WHER

WHERAS you [T. D.] are Chosen to the place of the *Deputy Governour*, &c. as in the Governours Oath, *mutatis mutandis*.

Deputy Govern:

WHERAS you [R. B.] are Chosen to the place of *Assistant* over this Jurisdiction, for this year, and till new be Chosen and sworn: you doe here swear by the Living God, that you will truly endeavour according to your best skill, to carry and demean your self in your place, for the said time, according to the Laws of God and of this land, for the advancement of the Gospel and the good of the people of this Jurisdiction. You shall dispense justice equally & impartially, according to your best skill, in all cases wherein you shall act by vertue of your place. You shall not wittingly and willingly exceed the limitations of your place. And all this to be understood, during your abode in this Jurisdiction. So help you God in our Lord Jesus Christ.

Assistants

WHERAS you [J. E.] have been Chosen to the Office of Sergeant Major General, of all the Military Forces of this Jurisdiction, for this present Year: You do here swear by the Ever-Living God, that by your best skill & Ability you will Faithfully discharge the Trust Committed to you, according to the Tenor & purport of the Commission given you by this Court. So help you God &c.

Major General.

I [R. R.] being Chosen *Treasurer* for the Jurisdiction of the *Massachusetts* for this year and untill a new be Chosen; do promise to give out *Warrants* with all Convenient diligence, for Collecting all such summs of Money as by any Court, or otherwise have been, or shall be appointed, and to pay out the same, by such summs, and in such manner as I shall be lawfully appointed by this Court, if I shall have it in my lands of the Common Treasury. And will return the names of such Constables, as shall be failing in their Office, in not collecting and bringing in to me such summs, as I shall give *Warrant* for. And will render a true account of all things concerning my said Office, when by the General Court I shall be called thereto. So help me God in our Lord Jesus Christ.

Treasurer

YOU [W. A.] here swear by the Name of the Living God; that in the office of a *Publick Notary* to which you have been Chosen, you shall demean your self diligently and faithfully according to the duty of your Office. And in all Writings, Instruments and Articles that you are to give testimony unto, when you shall be Required, you shall perform the same truly and sincerely according to the nature thereof, without delay or *Corrupt*. And you shall enter and keep a true Register of all such things as belong to your Office. So help &c.

Publick Notary.

YOU [E. M.] shall diligently, faithfully, and with what speed you may, collect and gather up all such fines, and summs of Money, in such goods as you can find of every person, for which you shall have *Warrant* so to do by the Treasurer for the time being. And with like faithfulness, speed & diligence, Levie the goods of every person, for which you shall have *Warrant* so to do, by vertue of any *Execution* granted by the Secretarie, or other Clerk authorized thereunto, for the time being. And the same goods so collected or levied, you shall with all convenient speed deliver in to the Treasurer, or the persons to whom the same shall belong. And you shall with like care and faithfulness, serve all *Attachments*, directed to you, which shall come to your hands; and return the same to the Court where they are returnable, at the times of the return thereof.

Marshal.

And you shall perform, do and execute, all such lawfull Commands, directions and warrants, as by lawfull authority here established shall be committed to your care and charge, according to your Office. All these things in the

Presence of the Living God you bind your self unto, by this your Oath to perform during all the time you continue in your Office, without favour, fear, or partialitie of any person. (And if you meet with any case of difficultie, which you cannot Resolve by your self, you may suspend till you may have advice from authority)

So help &c:

Associates

YOU [M. N.] being Chosen Associate for the Court for this year, and till new be Chosen, or other Order taken, Do here Swear, that you will do equall right and justice in all Cases that shall come before you, after your best skill and knowledg, according to the Laws here established. So help you God &c:

Wherefore ever any three men are deputed to end small Causes, the Constable of the place within one Month after, shall returne their names to the next Magistrate, who shall give Summons for them forthwith to appear before him; who shall administer to them this Oath.

Three men

YOU [A. B.] being Chosen and appointed to end small Causes not exceeding forty shillings Value, according to the Lawes of this jurisdiction, for this Year ensuing, do here Swear by the Living God that without Favour or affection, according to your best light, you will true judgment give & make in all the Causes that Come before you. So help you God &c:

*Grand-
Jury.*

YOU Swear by the Living God that you will Diligently inquire & faithfully present to this Court, whatsoever you know to be a breach of any Law established in this jurisdiction according to the Mind of God; And whatsoever Criminall Offences you apprehend fit to be here presented, unless some necessary and Religious tye of Conscience truly grounded upon the Word of God bind you to Secrecie. And whatsoever shall be Legally Committed by this Court to your judgment, you will Returne a true and just Verdict therein according to the Evidence given you, and the Laws Established amongst us. So help you God &c:

*Pettio-
Jury.*

YOU Swear by the Living God, that in the Cause or Causes now Legally to be Committed to you by this Court, you will true tryal make, & just verdict give therein, according to the Evidence given you, and the Laws of this jurisdiction. So help you God &c:

*Life and
death.*

YOU do Swear by the great Name of Almighty God, that you will well and truly try, & true deliverance make of such Prisoners at the Bar, as you shall have in Charge, according to your evidence. So help you God &c:

Witnesses.

YOU Swear by the Living God, that the evidence you shall give to this Court concerning the Cause now in question, shall be the truth, the whole truth and nothing but the truth. So help you God &c:

*Untimely
death.*

YOU Swear by the Living God, that you will truly present the Cause and manner of the Death of [P. B.] according to evidence, or the light of your knowledg and Conscience. So help you God &c:

*Sergeants
Major &
other chief
Officers,*

The forme of the Oath to be administered to the Sergeant Majors of the Severall Regiments and so Mutatis Mutandis, to the other Military Officers.

VHereas you [R. S.] have been Chosen to the Office of Sergeant Major, of the Regiment in the County of [M.] for this present Year, and untill another be Chosen in your place; You do here swear by the Living God, that by your best skill and ability, you will faithfully discharge the trust Committed to you, according to such Commands & directions as you shall from time to time

time upon all occasions receive from the Sergeant Major Generall, by vertue of his Commission from the Court, & according to the Laws and Orders by this Court made and established in this behalfe. So help you God &c:

YOU [R. P.] swear truly to Performe the Office of a Clerk of a Trained Band. to the utmost of your ability, or Endeavours according to the particulars specified, (and peculiar to your Office) in the Military laws. So help you God &c:

Clerk of the Band.

YOU shall faithfully Endeavour with all good Conscience to Discharge this trust committed to you, as you shall Apprehend to Conduce most to the safety of this Common Wealth. You shall not by any sinister devices or for any partiall respects or private ends, do any thing to the hinderance of the effects of any good and reasonable Countells. You shall appoint or remove no Officer by any partiality, or for personall respects, or other prejudice: but according to the Merit of the person in your apprehensions. You shall faithfully endeavour to see that Martiall discipline may be strictly upholden, not easing or burthening any, otherwise then you shall judge to be just & equal. You shall use your power over mens Lives as the last and onely meanes which in your best apprehensions shall be most for the publick safety in such case. So help you God in our Lord Jesus Christ.

Commissioner of martial discipline.

WHERAS you [E. G.] are Chosen Constable within the Town of [C.] for one year now following, and untill other be sworne in the place: you do here swear by the Name of Almighty God, that you will carefully intend the preservation of the peace, the discovery and preventing all attempts against the same. You shall duely execute all Warrants which shall be sent unto you from lawfull Authority here established and shall faithfully execute all such Orders of Court as are committed to your Care: and in all these things you shall deal seriously & faithfully while ye shall be in Office, without any sinister Respects of favour or dispendure. So help you God &c

Constable.

WHERAS you [L. G.] are Chosen an officer for the sealing and sealing of Leather within the town where you now dwell, for the space of a year and till an other be Chosen and sworne in your Room. you do here swear by the ever living God, that you will Carefully and duely attend the execution of your said Office with all faithfulness for the good of the Common wealth, according to the true intent of the laws in such case provided. So help you God:

Leather Sealer.

YOU [C. D.] here Swear by the Living God that you will from time to time faithfully execute your Office of Clerk of the Market, in the Limits whereto you are appointed, for the Ensuing year and till an other be Chosen and sworn in your place: And that you will do therein impartially according to the Laws here established, in all things to which your Office hath Relation. So help you God &c:

Clerk of Market.

YOU [S. S.] doe here swear by the Ever-Living God, that you will to your power faithfully execute the Office of a Searcher for this year ensuing, & till another be Chosen and sworne in your place, concerning all goods prohibited; & in speciall for Gun-powder, shot, Lead & Ammunition: and that you will diligently search all Vessels, Carriages and persons that you shall know, suspect or be informed, are about to transport or carry any thing out of this Jurisdiction contrary to Law. And that you will in partially seize, take and keep the same in your own custody: one halfe part whereof shall be for your service in the said Place; The other You shall

Searcher.

shall forthwith deliver to the Treasurer. All which goods so seized and disposed you shall Certify under your hand to the Auditor generall within one month from mure to time. So help you God &c:

Apprizer

WHEREAS you [T. D.] are Chosen *Apprizer* of such land or goods as are now to be presented to you, you do here Swear by the Living God, that all partiality, prejudice and other sinister Respects laid aside, you shall apprise the same and every part thereof, according to the true & just value thereof at this present by common account by your best judgement and conscience. So help you God &c:

*Viewers of
Pipestaves*

WHEREAS you [J. L.] are Chosen viewer of pipe-staves within the town of [L.] you do here swear by the Everliving God, that at all convenient times while you shall be in place, when you shall be Required to execute your office, you shall diligently attend the same, and shall faithfully without any sinister Respects, try and sort all pipe-staves presented to you, & to make a true entry thereof according to law. So help you God in our Lord Jesus Christ

*Customers
Oath.*

WHEREAS you [A. B.] are Chosen customer for the year ensuing, you do here swear by the Everliving God, that you will from time to time faithfully execute your Office, to your best skill according to the Orders of this Court for the Custome of all such goods, as are imported or exported, due by Law unto the Country and all other things belonging to your Office, & to give a true account to the Treasurer at the end of every three Months from time to time, or when you shall by Law be thereunto Required. So help you God &c. [1649.]

*Viewers of
Fish Oath*

YOU Swear &c: that you shall impartially view such fish as are presented before you, and determine what part thereof is Merchable & which is Refuse fish & unmerchable, according to your best skill, knowledge and judgement. So help you God [1652.]

*Packers
Oath.*

WHEREAS you [A. B.] are Chosen a packer of beef, pork and other things for the town of [L.] you do here swear by the Living-God that you will well and truly pack all beef, Pork and other things when you shall be thereunto Required, you shall pack no kind of goods, but such as are good & sound nor any goods in any Cask that is not of a just & sufficient weight, you shall also set your particular mark upon all cask packed by you, and in all things preper to the place of a packer, you shall faithfully discharge the same from time to time according to your best judgement & conscience. So help you God. [1652.]

F I N I S.

AN ALPHABETICAL TABLE SHEWING

The generall Titles and chief Heads of this Book of **LAW S**; (and more particularly, the Office of Constables.) In which,
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- Apprehending.
- Conveying to place whether sent, although from neighbouring Colonies.
- Punishing, by Whipping, &c.

And where no Magistrate is at hand,

To make signs and put to Hue and Cry after all

- Murderers.
- Manslayers.
- Quakers, and all professed Heretics: see Hereſie, p. 34
- Peace-breakers.
- Theeves, Robbers.
- Burglars, and all other Capital Offenders.

To apprehend without Warrant and keep in late Custody till they may bring before the next Magistrate, all persons by them taken in the manner or by present information from others, that are

- Excessive Drinkers.
- Swearers.
- Sabbath-breakers.
- Liars.
- Vagrant persons.
- Night-walkers.

To search for all such at any time or place and as need require may charge any person or persons to assist them:

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To search for goods stolen, by Warrant from a Magistrate:

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And when employed in the execution of any part of his Office by a Magistrate, he is to have a Warrant in writing.

Also every Constable is to know and observe these following Laws: viz.

Country Rates, and to clear accounts with the Treasurer annually by the first of May, on pen of 5 l. see ch. 2. pub. 13
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Not to arrest any mans person for debt or fine, that tendereth estate sufficient to answer the Law: *see Arrest* p. 3.
 Not to take in distress any goods subject to present decay, as fruits on the earth, &c. unless the party for whom it is taken will secure to him and that from damage: *see Distress*, 26
 Not to restrain or imprison any mans person, that can put in sufficient Security, Bail or Mainprize for his appearance & good behaviour in the mean time, unless in Crimes capital, or by sentence of the Law expels against him: *see Imprisonment* 40
 Not to levy any Execution for debt, or fine on any mans person or estate, before legal demand made thereof, at his house or place of usual abode: *see Mass* 53
 Not to omit returning to the Treasury a true account of what fines they receive: *see Burgl, and Tresp* 7
 Not to refuse the Office, when legally chosen, on penalty of 5. and if in *burgl* 10. *see Township*, 75
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